

By Mr. SAMUEL W. SMITH: A bill (H. R. 19135) granting an increase of pension to Michael Cribbins; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 19136) granting a pension to Frank Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 19137) granting a pension to Harvey C. Van Meter; to the Committee on Pensions.

Also, a bill (H. R. 19138) granting an increase of pension to John B. Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19139) granting an increase of pension to Samuel Tygret; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARR: Petition of E. F. Hemminger, of Meyersdale, Pa., and the Harris-Smith Coal & Coke Co., of Uniontown, Pa., protesting against bill to prohibit Post Office Department from furnishing return envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of the Somerset County (Pa.) Medical Society, protesting against House bill 6282, the Harrison national narcotic bill; to the Committee on Ways and Means.

By Mr. CARY: Petition of M. G. Rankin & Co., of Milwaukee, Wis., and Cudahy Bros. Co., of Cudahy, Wis., protesting against legislation to prohibit selling stamped envelopes with the address to business people; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Petition of 12 citizens of the third California congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. MILLER: Petitions of sundry citizens of the eighth Minnesota district, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the eighth Minnesota district, against national prohibition; to the Committee on Rules.

By Mr. POU: Petition of various merchants of the State of North Carolina, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. REED: Petition of Hurd & Kinney, attorneys and counselors at law, of Claremont; J. F. Libby, attorney at law, Gorman; and Arthur T. Cass, cashier of the Citizens' National Bank, Tilton, all in the State of New Hampshire, protesting against the passage of the bill to discontinue the furnishing of special-request envelopes; to the Committee on the Post Office and Post Roads.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, October 6, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that out of the terrible conflict now raging in all Europe a broader patriotism is being awakened in the hearts of our people, born of love for mankind, made manifest in the gathering together of the peoples of all churches, in response to our President's proclamation, in a universal prayer for peace; for the spirit of sympathy aroused for the suffering and sorrowing, demonstrated in the relief going out from our National Red Cross Association, and from many other sources, which will not only be felt and appreciated by the wounded but by all who are made to suffer by the cruel and relentless hand of war, and we pray that the horrors of war may teach the larger lesson of brotherly love and a clearer vision come to the world, which will forever make war impossible, peace sweeter, and the spirit of the Christ more universal in the hearts of men, and everlasting praise be Thine, our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The message also announced that the President had approved and signed bills of the following titles:

On October 3, 1914:

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes; and

S. 3550. An act ratifying the establishment of the boundary line between the States of Connecticut and Massachusetts.

On October 5, 1914:

S. 657. An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes.

On September 29, 1914:

S. 4274. An act to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

#### ANTITRUST LEGISLATION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the conference report just presented from the Senate on the bill H. R. 15657, to supplement existing laws against unlawful restraints and monopolies, and for other purposes, be taken up to-morrow for consideration.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of matter on the Speaker's table, the conference report on the trust bill be taken up. Is there objection?

Mr. MANN. Reserving the right to object, would it not first require unanimous consent to dispense with the proceedings under the rule to-morrow?

Mr. WEBB. My idea of it was that by granting of unanimous consent to take up the trust bill to-morrow it would be tantamount to doing away with Calendar Wednesday.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. BARNHART. Reserving the right to object, I would like to inquire of the gentleman if it will take all day?

Mr. WEBB. I think I can answer the gentleman in a few moments, after I have had a little parley with my friends on the other side.

Mr. MANN. We would undoubtedly insist on its taking all day.

Mr. BARNHART. Mr. Speaker, I object.

Mr. WEBB. Then, Mr. Speaker, I ask unanimous consent that we take up the conference report on Thursday.

Mr. BARNHART. I did not know that the gentleman's request had to do with the trust bill. I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, how much time for debate would the gentleman be willing to grant?

Mr. WEBB. Any liberal amount. We would have no objection to discussing it for half a day, if we can agree on what half a day would be in hours. I think that would be proper.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is it possible, by unanimous consent, on a day other than Calendar Wednesday, to set aside the proceedings in order on that day?

The SPEAKER. The Chair did not understand the gentleman's question.

Mr. STAFFORD. Is it possible, by unanimous consent, on a day other than Calendar Wednesday, to set aside the proceedings in order on Calendar Wednesday?

The SPEAKER. Why, yes; the Chair would think so. The Calendar Wednesday rule provides simply for a two-thirds vote, and surely unanimous consent is better than a two-thirds vote.

Mr. STAFFORD. There is also that further rule of the House that the Committee on Rules is not permitted to bring in any rule that will set aside proceedings on Calendar Wednesday without a vote of two-thirds of the membership.

The SPEAKER. That is all true, but anything can be done by unanimous consent. And the Chair will undoubtedly hold that where there is unanimous consent given it outranks even a two-thirds vote.

Mr. STAFFORD. Unanimous consent being presented on Calendar Wednesday—

The SPEAKER. There is one thing about it; if the gentleman does not like this proposition, he can object.

Mr. STAFFORD. That is not the question. It is a question of Calendar Wednesday.

Mr. MANN. Would the gentleman from North Carolina [Mr. WEBB] be willing whenever this is taken up to allow us two hours and a half debate on a side, and make it so that if it comes up to-morrow and is not disposed of, as it might not be—I can not tell how much time might be taken up on other matters—it could go over then?

Mr. WEBB. Does not the gentleman think that four hours, two hours on a side, would be sufficient? It has been suggested by some of the minority members of the committee that that might be enough. I have no objection to five hours, if the gentleman thinks that much time is required.

Mr. MANN. As a matter of fact, I think two hours and a half would very much cramp this side of the House in discussing the conference report.

Mr. WEBB. I hope my friend understands that I have no disposition to curtail fair, open, and free discussion.

Mr. MANN. I understand. I think everybody would like to see it disposed of.

Mr. BARNHART. A parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state it.

Mr. BARNHART. If the Printing Committee is deprived of its right of way on Calendar Wednesday by unanimous consent, might that not necessarily imply a relinquishment of its right of way for the following Wednesday?

The SPEAKER. No. Is there objection to taking up this conference report to-morrow after the reading of the Journal?

Mr. WEBB. Mr. Speaker, may I couple with that request the further request that in view of the time of five hours we meet at 11 o'clock?

The SPEAKER. Of course the gentleman can couple that with his request.

Mr. WEBB. That will enable us to clean up the bill before evening to-morrow.

The SPEAKER. How much time have the gentlemen agreed on?

Mr. MANN. I suggest to the gentleman that he make his request so that if the conference report is not disposed of to-morrow it will be in order on the following day.

Mr. WEBB. I do make it that way, Mr. Speaker.

Mr. MANN. So that when we take it up we shall finish it before we go into something else.

Mr. UNDERWOOD. I understand the gentleman's request is that immediately after the reading of the Journal to-morrow it shall be in order to take up the conference report on the trust bill, which has just come over from the Senate, and that there shall be five hours' debate, at the end of which time the previous question shall be considered as ordered and a vote shall be had; and that carries it over to any day when it would follow.

Mr. WEBB. That is my purpose, Mr. Speaker, so that it can be a continuous discussion until it is concluded.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the House shall meet to-morrow at 11 o'clock, and that the conference report on the trust bill shall be taken up immediately after the reading of the Journal and the disposition of necessary matters on the Speaker's table, and that the debate shall continue not to exceed five hours, one half, I suppose, to be controlled by the gentleman from North Carolina [Mr. WEBB] and the other half by the gentleman—

Mr. MANN. By the gentleman from Minnesota [Mr. VOLSTEAD]—

Mr. WEBB. Yes; the gentleman from Minnesota.

The SPEAKER. And the other half by the gentleman from Minnesota; and at the end of the debate the previous question shall be considered as ordered and a vote immediately had. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. In case a point of order should be made against the conference report, this would not set aside the right to make a point of order?

The SPEAKER. Oh, no; all points of order are reserved. It will just give the right of consideration. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The House will meet to-morrow at 11 o'clock. Under the special rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 18459, with the gentleman from Virginia [Mr. FLOOD] in the chair.

#### THE PHILIPPINE ISLANDS.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consid-

eration of the bill H. R. 18459, the Philippine bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. MURRAY rose.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY. I wanted to withdraw my amendment before action is taken on the other amendment.

Mr. MADDEN. What amendment does the gentleman wish to withdraw?

Mr. MURRAY. The amendment that I offered with reference to jury trials.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment.

Mr. MADDEN. I object, Mr. Chairman.

Mr. MANN. Mr. Chairman, I ask that the pending amendment be reported.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. I ask that it be reported, so that the committee may be advised.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendment by Mr. BARTLETT:

Page 3, line 17, after the word "trial," insert the words "by an impartial jury to be selected from the district wherein the offense was committed."

Amendment by Mr. MURRAY:

Page 3, after line 19, add a new paragraph, as follows:

"The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record shall consist of 12 men, but in courts not of record a jury may consist of 6 men."

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to withdraw his amendment.

Mr. MADDEN. Reserving the right to object, Mr. Chairman, I want to know if there is going to be any such amendment as this pending or voted on, whether it is the purpose of withdrawing the question of jury trials altogether?

Mr. MURRAY. I did not hear what the gentleman said.

Mr. MADDEN. I want to know if the gentleman receded from the position with reference to jury trials, and whether that is the purpose he had in mind in withdrawing the amendment?

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to withdraw his amendment, and the gentleman from Illinois [Mr. MADDEN] objects.

Mr. MURRAY. I ask that, in view of the fact that the proceedings here the other day disclosed the fact that not only many portions of the Philippine Islands could not summon a jury qualified, but they were not capable of self-government; and therefore I recognize the principle that you must make a government to suit the people.

Mr. MADDEN. Does the gentleman say, in the face of the fact that everybody who advocates the passage of this bill admits the inability of the people of the Philippine Islands to serve on a jury, that they are still qualified for self-government? [Laughter on the Republican side.]

Mr. MURRAY. Only the uncivilized tribes. I am sure that a portion of the Philippine Islands would be capable of having jury trials, but the argument the other day from both sides of the House tends to show that on a great portion of the islands they could not summon a jury that would be qualified. I have not changed my position upon the question of the jury trial, I will say to the gentleman.

Mr. MADDEN. Does anybody know what percentage of the population of the people of the Philippine Islands are considered not qualified for jury service?

Mr. MURRAY. I would not undertake to say. There is a dispute about that question.

Mr. MADDEN. I object, Mr. Chairman, for the time being.

Mr. MURRAY. I understand that some say one-tenth and others more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] objects to the request of the gentleman from Oklahoma [Mr. MURRAY]. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, may I make a request right there?

The CHAIRMAN. Yes.



Mr. BARTLETT. I ask unanimous consent to strike from my amendment the words "in the district wherein the offense was committed," so as to let the amendment read "by an impartial jury."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Modify the amendment by striking out the words "to be selected from the district wherein the offense was committed."

Mr. MILLER. Reserving the right to object, Mr. Chairman, is it the gentleman's idea that there shall be a professional jury that shall travel with the court?

Mr. BARTLETT. No. That leaves the Philippine Legislature free to determine the manner of selecting the jury. I do not know whether I have the right to discuss the question, but it simply imposes on the Philippine Legislature the right to grant a trial by an impartial jury. I realize the force of the gentleman's argument, and that it would be almost impossible to secure a jury in certain parts of these islands. But this is only a provision imposing upon the Philippine Legislature the duty of granting to that people the right of trial by jury and leaving to them the manner of saying how the jury shall be selected.

Mr. MILLER. The gentleman understands that the Philippine Legislature has the power and authority without this amendment to grant trial by jury?

Mr. BARTLETT. They have the power and the authority, but it is not their duty unless we impose it.

Mr. MILLER. Well, I am not in sympathy with the amendment, but I will not object.

Mr. TOWNER. Mr. Chairman, reserving the right to object—

Mr. SHERLEY. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman from Kentucky calls for the regular order. The regular order is. Is there objection?

Mr. SHERLEY. Calling for the regular order is equivalent to an objection, and I object.

The CHAIRMAN. The gentleman from Kentucky objects, and the question is on the amendment of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. BARTLETT and Mr. MADDEN) there were 21 ayes and 74 noes.

So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The question was taken; and on a division (demanded by Mr. MADDEN) there were 20 ayes and 45 noes.

So the amendment was lost.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting a speech by the late Hon. Jeremiah S. Black on jury trial.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record by publishing an address of the late Hon. Jeremiah S. Black on jury trial. Is there objection?

Mr. MOORE. Reserving the right to object, did not the gentleman from Ohio have this address inserted in the Record some time ago?

Mr. GORDON. No; that was another address.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

That no law impairing the obligation of contracts shall be enacted.

Mr. MURRAY. Mr. Chairman, I offer an amendment to the paragraph just read.

The Clerk read as follows:

Page 4, line 2, strike out the period and insert a colon, and add the following proviso:

"Provided, Any provision of a contract, expressed or implied, made by any person by which any of the benefits of this act or the general law is sought to be waived shall be null and void; and any provision of any contract or agreement, expressed or implied, stipulating for notice or demand other than such as may be provided by law as a condition precedent to establish any claim, demand, or liability shall be null and void."

Mr. MURRAY. Mr. Chairman, the purpose of this amendment ought to be clear to every one—that it is to protect those classes who are not able to protect themselves. For instance, it used to be a policy in some of the States of the West that when any man engaged to work for a railroad or some other corporation he was compelled to sign a contract that in the event that he was injured he would not claim any damages against the railroad or corporation. Then in some States if the law provides for notice to secure a lien or to foreclose a mortgage, that the debtor may waive those rights. This is intended to make

all such contracts contrary to public policy and to provide that he can not waive by contract any right under this act or under the general law. In other words, he can not waive by contract his right to his day in court, and he can not waive any other right that any citizen ought to have under the general law by a contract. He might waive it under this provision at the time, but he could not make a contract in advance to waive it.

Mr. HELM. Will the gentleman yield?

Mr. MURRAY. Yes.

Mr. HELM. Has the Supreme Court of the United States ever held any such waiver valid?

Mr. MURRAY. I do not know that it has; I do not know that the Supreme Court of the United States has ever been called upon to pass on the proposition. Certainly if you are going to give rights of self-government to the Filipinos, you ought to take care of those who can not protect themselves.

Mr. HELM. This is a Federal law, and the State law, of course, would not be applicable unless some of the waivers or defects in the law have been held by the Federal court or by the Supreme Court of the United States to be valid.

Mr. MURRAY. We know that in the old Indian country when the Federal laws were in force they had a right to waive it, and we enacted this in our State constitution to prohibit that kind of conduct, and it has been the salvation of our laboring men.

Mr. HELM. Were those rights held to be valid by the Federal court or the State court?

Mr. MURRAY. They were held to be valid in the Federal court prior to statehood. I would not undertake to say that a man could not waive any right, but he can not waive it in a contract at a time when he would not know what he ought to do. This provides that a waiver in a contract shall be contrary to public policy and therefore null and void. Certainly a man would have the right to make the waiver subsequently, but no man on general principles ought to have the right to waive in advance his rights under the general law or under the fundamental law of the land. We are making here something in the nature of a constitution for the Philippine Islands. They are granted the largest legislative power and the largest power of government possible. Doing so, we ought to protect first the man who can not protect his rights, and yet through this entire act we have looked after the rights of the Filipinos as we ought. I repeat again, that the first consideration here in favor of these men should be for those who can not protect their rights, and I trust that the amendment may be agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. MURRAY].

Mr. GARRETT of Tennessee. Mr. Chairman, I confess that I am not entirely clear in my own mind as to the meaning of the proposed amendment, although I have listened to the gentleman, and have read the amendment with some care. But at any rate it seems to me that it is a legislative matter that is proposed and that it ought to be left to the legislative body rather than attempt to embody it into the organic law.

Mr. MURRAY. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. MURRAY. The very clause to which I have attached this is legislation.

Mr. GARRETT of Tennessee. The clause to which the gentleman seeks to attach it is that no person shall be imprisoned for debt.

Mr. MANN. That is not the paragraph to which it is offered.

Mr. GARRETT of Tennessee. I beg the pardon of the gentleman. The last clause read was that no person shall be imprisoned for debt.

Mr. MURRAY. I offered it to the one above.

The CHAIRMAN. The Chair understands that the gentleman offered the amendment to come in after line 2.

Mr. GARRETT of Tennessee. So far as that is concerned, that is immaterial. I think, however, for clearness in engrossing, it ought to be clearly understood that the amendment is offered to the paragraph above.

Mr. MURRAY. It was read that way. I want to ask the gentleman if this clause itself could not be made a legislative power?

Mr. GARRETT of Tennessee. Yes; it could be.

Mr. MURRAY. Is there any distinction between a legislative right and the power of a constitutional convention?

Mr. GARRETT of Tennessee. That carries us into a broad field of argument. As I understand the gentleman's proposition, it seems to me that this covers it, that no law impairing the obligation of contracts shall be enacted, because a statute is a part of a contract made under that statute.

Mr. MANN. Will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. MANN. The gentleman from Oklahoma says this is a legislative provision; but is it? This provision is that no law shall be enacted, and so forth. This is a constitutional provision and not a legislative provision, while the gentleman's amendment is really a legislative provision. This is an inhibition upon the legislature to do a thing.

Mr. GARRETT of Tennessee. If the gentleman from Oklahoma stated that it was a legislative provision, I did not understand him correctly. I understood him to inquire of me if the legislature could not enact this provision, even if it were not included in the constitution, and I responded, of course, that the legislature could; but if the gentleman from Oklahoma meant to say that this is a legislative provision as distinguished from a constitutional provision, then certainly I would not agree with the gentleman, because it is a constitutional provision.

Mr. MANN. Surely the legislature could not enact this provision, because the legislature could not bind a succeeding legislature by stating that no succeeding legislature should pass a law. This is a constitutional provision and not a legislative provision. We have the power to say that the legislature shall not pass a law, but the legislature has no power to say that a succeeding legislature shall not pass a law.

Mr. MURRAY. The fact that you have stated that the obligations of contracts shall not be nullified makes it necessary to provide an exception in this case. If you leave out this section you have in the bill, it will be unnecessary to put in the provision I have offered; but I have offered it as the exception, where it would be contrary to public policy, and the fact that you have included that statement makes this necessary as a constitutional provision.

Mr. GARRETT of Tennessee. So far as I understand the amendment offered by the gentleman from Oklahoma, it is, in the first place, a purely legislative provision. In so far as it may be termed a constitutional provision it is really covered by the language that is already included in this amendment. I do not believe that in the adoption of an organic law for these people we ought to encumber it with long legislative provisions.

Mr. MURRAY. I will not agree that the gentleman can differentiate thus between constitutional and legislative provisions. I think I know something of constitutional provisions, and the statement that there is any distinction will not go before this House.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Oklahoma?

Mr. GARRETT of Tennessee. Well, I submit—I yield to the gentleman; certainly.

Mr. MURRAY. I want to say—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MURRAY. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Tennessee may have five minutes. Is there objection?

There was no objection.

Mr. MURRAY. A constitutional convention is a body of the highest legislative power, and whatever it does is in the nature of legislation, and many of the provisions placed in State constitutions could be enacted by the legislature without being placed in the constitution, just as in this case; but the fact that you provide that no contract shall be violated makes it necessary to give the exception, and that is why I offer it.

Mr. GARRETT of Tennessee. Mr. Chairman, so far as I know it has not been found necessary for a hundred years for the States to include such a provision as that, although this other provision which is here included has been carried from the beginning of many of their constitutions. I repeat again, Mr. Chairman, I do not think it is desirable in an organic law to render it complex with details. I think, sir, that one of the elements of strength in the Constitution of the United States is its brevity, its simplicity of statement, and the absence of details. This bill of rights which we are carrying in this enactment is substantially the bill of rights that is carried in the present organic law of the Philippine Islands. It is the act to which the people are accustomed. I do not believe it wise to encumber it with long details that are not absolutely fundamental in character and therefore constitutional in their elements, but are legislative in character.

Mr. FERRIS. Mr. Chairman, I feel I should long hesitate to differ with the able committee who have given this matter so much patriotic consideration, when it is true I have given it so little consideration, but at the same time I could not help but observe what the gentleman from Tennessee [Mr. GARRETT] said when he admonished this Congress not to put in the bill

of rights certain salient features that the people of the Philippine Islands may later be entitled to, and I shall not from now or in the future subscribe to the theory the gentleman lays down—that we can not in the bill of rights, or in the constitution, so called, or in the first powers conferred upon that people, lay down some appropriate safeguards that ought to be laid down. It matters not to me that the provision be so-called legislation; what is a constitution anyway but legislation.

It has been my pleasure to live in a Territory where the Federal Government did all of the legislating, excepting what a more or less loosely organized legislature did.

During the early period of a Territory the legislation is usually not strong enough to combat the influences that present themselves, and it needs good strong safeguards handed to it by a body strong enough, first, to pass it, and, second, to enforce it. I have not read with care or studied with precision the amendment offered by the gentleman from Oklahoma [Mr. MURRAY], but I hope the committee will not sweep aside too hastily the amendments offered by the gentleman from Oklahoma, and I do not say too much in his behalf when I say that he presided over the constitutional convention in our State, which at the time was more or less criticized, but I call the attention of this House to the fact—and they may smile at it or frown at it, as they please—that every constitutional convention which has been held in this Republic since that constitution was made, has fashioned its constitution after it, almost to the letter, and I might also call the attention of this House to the further fact that this Congress every time a question has brought itself before it squarely on its merits, and every national convention not alone in my party, but in the other parties, when these questions have been brought squarely to their attention and well understood, have adopted them almost in toto.

Mr. Chairman, I can remember when it was almost a matter sufficient to cause an arrest to say that one believed in the initiative and referendum. I can remember when any of the advanced laws or legislation enacted in the public interests would be scoffed at and brushed aside, and still in our platforms we find it, still in our Congress we find recognition of it, still in our own enactments we find it, and we find recognition of it everywhere in all parties in American politics.

I shall not try to say that the committee should accept this amendment, because they know better about it than I do; but I urge on them not to sweep aside too hastily any amendments that are offered for the benefit of the Filipino people during the formative period of the Philippine Islands. When they begin to take on power and corresponding responsibility and start with their legislation they will have all sorts of influences to contend with; they will have all sorts of obstacles thrown in their way; and they will have all sorts of impediments that a weak territorial legislature thousands of miles away from us can not contend with, and if by this enactment we can say that the weak and dependent people who have to labor for and serve in the employ of those railroad corporations and other corporations that will spring up and become strong and powerful, sufficiently so to head off legislation, may be benefited by such an amendment as this, then we ought to adopt it.

I shall vote for the amendment, full well realizing that I take some chances, because a Member takes a good deal in his hands when he comes in and attempts to override a committee that has studied a subject carefully. I have every confidence in the committee. I have even affection for most of them. I am usually willing to follow them. They are entitled to great credit for their work in this and other matters.

Mr. JONES. Mr. Chairman, I do not care to enter into any discussion as to the provisions of the Oklahoma constitution. I may say that I am in complete accord with what both of the gentlemen representing that great State have said as to the merits of this particular amendment. I do not, however, think it ought to be incorporated in the Philippine bill of rights. The gentleman who last addressed the committee [Mr. FERRIS] said, or I understood him to say, that in the first organic law of the Philippines this proposition should find a place. I wish to say to the gentleman that 12 years ago Congress passed an organic law for the Philippine Islands, under which the inhabitants of those islands have been living ever since they have had a civil government. I wish to say further that the language employed in this bill is exactly—not substantially—like it, as my friend from Tennessee [Mr. GARRETT] said. The same language is also to be found in the Constitution of the United States.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. JONES. I will.

Mr. MURRAY. The gentleman from Tennessee [Mr. GARRETT] made the statement a while ago that because this was not found



in the ordinary constitutions, therefore it was legislative. The very next paragraph, prohibiting a person from being imprisoned for debt, is not in the Constitution of the United States and is in no other constitution except that of the Republic and State of Texas; and I think it is wise here; and if this protects a right, why should it not be announced as a constitutional provision?

Mr. JONES. Mr. Chairman, I can not speak as to what the gentleman says of the constitution of Texas. I am, however, perfectly willing to admit that what he says is true. I think, however, that this is a legislative provision, and that for that reason it should be left out of the Philippine bill of rights. Certainly the legislature of the Philippine Islands can under this bill adopt such a provision as this if it desires to do so, and I fully agree with my colleague on the committee, the gentleman from Tennessee [Mr. GARRETT], that we ought not to go in the preparation of a bill of rights for the Philippine Islands, into too much detail. I am not questioning the wisdom of this or any other provision in the constitution of the State of Oklahoma. This provision is not in the constitutions of a great many of the other States of the Union. It is not in that of my own State, which probably was adopted subsequent to that of Oklahoma. Therefore I hope that the committee will not insist upon incorporating in this bill of rights matters that the Committee on Insular Affairs thought ought to be left to the legislature created in this bill.

Mr. MILLER. Mr. Chairman, I move to strike out the last word. The provision in the bill is as follows:

That no law impairing the obligation of contracts shall be enacted.

It seems to me, Mr. Chairman, that very clearly that is not in the nature of a regulation of private business between private individuals, but an inhibition upon the legislative power, and for that reason it is constitutional and fundamental and not legislative. Here is a protection against legislative enactment for the people, but not a protection as between individuals. The provision which the gentleman would have incorporated reads in part as follows:

*Provided*, That any provision of a contract, expressed or implied, made by any person by which any of the benefits of this act or of the general law is sought to be waived shall be null and void.

That is, if a private individual anywhere in the Philippine Islands shall make a contract with another private individual or with a corporation by which it is sought to waive any of the provisions of this act or the general law, then the contract shall be null and void. Now let us see what is to be waived. This act is the act we have before us. We know what that means. It also says "or of the general law." What is the general law? Is it possible we would write into the Constitution a provision making null and void any provision in a private contract which waives some right granted by general law? Surely that would work harm in a thousand ways. Certainly, but to state the proposition is sufficient. Mr. Chairman, there is another feature that seems to me more important perhaps than any that I have stated. Continuing, the paragraph reads:

And any provision of such contract or agreement, expressed or implied, stipulating for notice or demand other than such as may be provided by law as a condition precedent to establish any claim, demand, or liability shall be null and void.

Let us see what that means. Without any attempt to trace it in all its relations, take one illustration. An insurance contract is a contract made by a private individual, usually with a corporation. It may be made with a partnership, an insurance company. Those contracts always contain, and properly contain, a certain provision in reference to notice. If it is an accident policy, notice of the accident; if it is a health policy, notice of the loss of health; if it is a life policy, notice of the death of the insured. Will anybody say those provisions are not proper? Will anyone say every one of these provisions should not be in a contract of that kind, not simply for the protection of the individual which has the insurance but for the corporation that is the insurer?

So, Mr. Chairman, if we are going to enact this as the fundamental law we would have to say that the Philippine Legislature must enact a law specifying in every individual case the kind of notice that shall be introduced in case of a life policy, the kind of notice necessary in accident insurance, if it be an accident policy, and this has nothing whatever to do with the relationship between employee and employer. It is easy to see how this could reach out in other ways and really work a great deal of confusion and, I think, a great deal of injury. While, Mr. Chairman, I am one of those, like the gentleman from Oklahoma [Mr. FERRIS], who believes that any suggestion coming from the gentleman from Oklahoma [Mr. MURRAY] respecting a constitution and the protection of the rights of the people under it is entitled to serious consideration, yet it does not seem to me that

this amendment is framed so as to fit into this bill, and that before we do this, unless it is so framed, its results would be exceedingly harmful and certainly full of great danger.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced the yeas appeared to have it.

Upon a division (demanded by Mr. MURRAY) there were—yeas 12, noes 30.

So the amendment was rejected.

Mr. FESS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, at the end of line 3, strike out the period and insert a comma, and add the following: "or held in satisfaction of the same in involuntary servitude by his creditor."

Mr. FESS. Mr. Chairman, this amendment is offered with the intent of curing the practice of peonage in the islands that from reports that I can gather is pretty general.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. GARRETT of Tennessee. Does not the gentleman think the language in lines 22, 23, and 24 cover that?

Mr. FESS. No; I do not think so. It is a question whether that would cover it in satisfaction of a debt; at least it has not covered it so far in practice.

Mr. MURRAY. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. MURRAY. If the gentleman will permit just a statement I wish to make. In the adoption of this provision we adopt into the law all the decisions of the courts where they now exist and they have held just what the gentleman is trying to put into it, so that in view of that I think they would hold it in the Philippines.

Mr. FESS. Well, Mr. Chairman, whatever might be held by Members on the floor here, there is not any doubt but what there is a condition of peonage pretty generally in the islands, and there ought to be something done by this body to prevent it. I realize—

Mr. SHERLEY. Will the gentleman yield?

Mr. FESS. I yield.

Mr. SHERLEY. Is not that condition that exists there in spite of and not by authority of the law?

Mr. FESS. Probably—

Mr. SHERLEY. Is not that actually so?

Mr. FESS. Probably there is truth in the statement. I do not mean that this is all of it, but what I am after is to cure, if possible, a condition that seems not to be cured by the amount of legislation now on the statute books. I realize very distinctly the difference between constitutional sanction and legislative enactment.

Mr. QUEZON. Will the gentleman yield?

Mr. FESS. I should like to be permitted to make a statement before yielding.

The CHAIRMAN. The gentleman declines to yield.

Mr. FESS. It has been clearly stated here that this body has the right to grant constitutional sanction for legislation in the Philippines, and the Philippine Assembly, acting upon that sanction, can enact it into law. This is, in my judgment, one of the serious conditions of this sort of legislation. We are not sharply distinguishing between the two bodies. The one is granting the constitutional sanction to do a thing, which is this body, and the other is enacting that into law, which is not this body, but is the body over in the Philippines. There is a conflict here. We give authority to do a thing; recommendations are made that it should be done, but those recommendations are not acted upon. Now, in view of the fact that there is a system of peonage widespread in the islands, I take it that we ought to do something to prevent it. I want to read from a report.

Mr. JONES. Will the gentleman yield right there? The gentleman says "in view of the fact that there is a widespread system of peonage in the islands." I admit there has been some discussion on that subject, a good deal of controversy about it, but the gentleman is aware of the fact, is he not, that the Philippine Legislature last winter passed a law on this subject which absolutely prevents the existence of peonage in the islands?

Mr. FESS. Mr. Chairman, the fact that the legislature has enacted it does not prevent the succeeding legislature repealing it at some future time, and therefore the law does not satisfy me. Judge Ostrand, judge of the court of land registration, has made this statement, among others:

In 1907 a woman from the town of Balincagulin, in Pangasinan, came to my office and stated that she, about six years before, had

"mortgaged"—the terms "saldá" in Ilocano and "sanla" in Pangasinan are usually translated "mortgage," but also imply pledge, as the creditor generally takes possession of the mortgaged property—her 12-year-old son for some P20 to Don Cirilo Braganza, the member of the Second Philippine Legislature for the district in which I was then living—

I hope the Members will note that this mortgagee was a member of the Philippine Legislature.

The CHAIRMAN (Mr. McKellar). The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to continue for five minutes more. Is there objection?

There was no objection.

Mr. JONES. May I ask the gentleman from what he is reading?

Mr. FESS. I am reading from the report of Judge Ostrand.

Mr. JONES. What is the book?

Mr. FESS. It is Dean Worcester's book of two volumes.

It says further:

That her son had been working for Braganza ever since; and that, according to her reckoning, the debt had already been paid, but that Braganza had unjustly charged the loss of a carabao to her son's account, thus adding P120, if I remember correctly, to the debt.

While practicing law in the Province of Pangasinan during the years 1905 to 1909 hardly a week passed but what cases of involuntary servitude, as defined in the within communication, came under my observation.

And then I read from a report of the secret-service department of Manila, as follows:

ROSALLES, March 26, 1912.

CHIEF OF THE SECRET SERVICE DEPARTMENT, Manila.

DEAR SIR: On behalf of Garegorio Almarlo, a young girl residing at my house, I write to ask you if you can not have this matter attended to.

Six years ago a man named Tomas Almarlo, living at present in Rosales, borrowed some money (P20 only). This man was unable to repay this money, so he sold this girl, named Inocencia Almarlo, to a Mr. Galban. I think he is the president of Bautista. Her sister has been to Bautista to take this girl away, but she has been rebuked by these people in my presence. They state she owes P60, the extra P40 being interest on the P20 borrowed six years ago.

On page 720 of the second volume of Dean Worcester's work it says:

I have not made the slightest effort to get the peonage records of Philippine assemblymen, but have taken cases as they came; yet three of the limited number here discussed concern members or ex-members of the assembly. Is it any wonder that that body refuses to consider a law prohibiting and penalizing peonage?

Now, Mr. Chairman, this unfortunate situation, whatever may be its source—and it certainly can not be disputed in the islands—ought to have a remedy somewhere. I think there is not anything so lifeless, so hopeless, as a system of peonage, where a person is held in satisfaction of a debt and held in servitude, and allowing the debt to be increased every year instead of lessened. There is case after case that I am going to put in the RECORD where individuals, going into the service of some other person to whom they owe a debt, will remain there, and the debt instead of lessening increases with the years, until it is absolutely hopeless, where hour after hour, and day after day, and year after year they toil hopelessly without any thought of ever having their freedom, and do not really know why they are so held.

I would like to have this particular amendment adopted, which simply says that no person shall be held for debt, and which adds that no person shall be held in involuntary servitude in satisfaction of a debt by his creditor. It seems to me that that is a province for us to act upon, because the legislative assembly may make a law that will repeal the present law, and if this is the official authority for legislation we ought to take a position upon that for the sake of the individual Filipino.

Mr. GARRETT of Tennessee. Will the gentleman yield before he takes his seat?

Mr. FESS. I will.

Mr. GARRETT of Tennessee. I again invite the attention of the gentleman to the language at the bottom of page 4.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Ohio be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. It is the desire of the committee, of course, as it will be of the House, to completely prevent any of those things which the gentleman has described. It ought to have been done long ago, and I do not understand why

it was not. Now, I call the gentleman's attention to the language at the bottom of page 4 of the bill, as follows:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the parties shall have been duly convicted, shall exist in said islands.

That is the exact language of the thirteenth amendment to the Constitution of the United States, and the Supreme Court of the United States decided within the last three or four years that that was clearly against the existence of peonage.

Mr. FESS. In reply to my friend from Tennessee, I call his attention to the fact that there was a case that was passed in the Philippine court of first instance and then was appealed to the Supreme Court of the Philippines, where it was decided that the law fixed no penalty whatever, and therefore slavery was not forbidden in the Philippines by this provision.

For that reason, it seems to me, we ought to do something, and I want to say that I very fully appreciate the discrimination which the gentleman from Tennessee [Mr. GARRETT] made a while ago, that a constitutional provision is one thing and a legislative enactment is another, and I therefore hesitate to ask any legislation that would be placed in that light or to encumber the organic law with legislative affairs. But this amendment simply adds to the prohibition of imprisonment for debt that other prohibition of peonage. I am not here discussing slavery in the Philippines, but that form of servitude which places a debtor within the control of his creditor. This system is certainly in vogue in the islands and should be prevented, so far as we can do so. Here is the place to take the first step.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. QUEZON. Mr. Chairman, whether the gentleman from Tennessee [Mr. GARRETT] is or is not right in his contention, that the object of the amendment introduced by the gentleman from Ohio [Mr. FESS] is accomplished by the provision of the last paragraph on page 4, I am prepared to say that I should not, so far as the object aimed at is concerned, have the slightest objection to having the amendment of the gentleman from Ohio put into the bill.

I regret, however, that the gentleman thought it necessary in the discussion of his amendment to revive the question of the supposed slavery and peonage in the Philippines.

I am particularly regretful that the gentleman from Ohio should have renewed the discussion of this subject, because the matter he refers to has been thoroughly investigated by the most unimpeachable authorities and has been fully disposed of. This discussion is, therefore, out of date, and certainly it throws no light upon this bill.

So far as I know, this issue was raised for the first time in the United States early in 1913, when a resolution of inquiry regarding the question of slavery was introduced in the Senate. This resolution grew out of an article in the National Human Review, largely made up of a letter written by Mr. Worcester, in which Mr. Worcester made the charge in question. In due time this resolution was answered by the Secretary of War in a letter reading in part as follows:

WAR DEPARTMENT,  
Washington, May 6, 1913.

THE PRESIDENT OF THE SENATE.

SIR: I beg leave to acknowledge the receipt of the following resolution of the Senate:

"Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate any and all facts bearing directly or indirectly upon the truth of the charge publicly made that human slavery exists at this time in the Philippine Islands and that human beings are bought and sold in such islands as chattels."

In response thereto I beg leave to state as follows:

There is not in this department, to the knowledge of the Secretary thereof or of the head of the bureau having charge of insular affairs, a record of any facts bearing directly or indirectly upon the truth of the charge, publicly made, that human slavery exists at this time in the Philippine Islands and that human beings are bought and sold in such islands as chattels.

The only information concerning this matter of which there is any record in this department or the branch of it having to do with insular affairs is the following:

In a hearing before the Committee on Insular Affairs of the House of Representatives, on Wednesday, February 10, 1904, Mr. Taft, then Secretary of War, said:

"I have no doubt that slavery continues in part of the Moro Province, and that there is some slavery in some of the Christian Filipino Provinces that lie near to the mountain tribes. This latter we are trying hard to eliminate. I had a report from a constabulary officer from the Province of Isabela, saying that it was not the general custom, but that it was not uncommon for hill-tribe parents to bring their children into a Filipino village and to sell a child to a wealthy man in the village who would use him as a servant. That is contrary to law, and we have directed prosecution in every case brought to our attention."

The foregoing is taken from the printed report of the hearings before the House Committee on Insular Affairs.

It would seem from such investigation as time has permitted to be made of the law existing in the Philippine Islands, that there are provisions in the criminal code, both with respect to that part of said islands inhabited by Moros or other non-Christian tribes and fully



organized Christian Provinces, covering unlawful detention, whether called slavery or not, as a result of which a person unlawfully detaining another or coercing him to work against his will may be imprisoned and fined.

Very respectfully,

LINDLEY M. GARRISON,  
Secretary of War.

One would think, Mr. Chairman, that this should have been a sufficient reply to the injurious suggestion originating with the former secretary of the interior of the Philippines, but, as it happened, further conclusive evidence on the subject was also furnished to the American public in a statement issued by former Justice James F. Tracey, of the insular supreme court. Justice Tracey said, in a letter published in the New York Times:

The April number of the National Humane Review, the organ of the American Humane Association, published an article headed "Human Slavery Still Exists Under the United States Flag," made up chiefly of a letter from Hon. Dean C. Worcester, secretary of the interior of the Philippine Islands, to Dr. William O. Stillman, president of the Humane Association. To this article currency is given by the publication of a summary of it in your issue of this morning in a dispatch from Washington printed under the caption "Slaves Even in Manila." The deduction drawn from the supposed condition of slavery in the islands is that the Philippine Assembly by refusing to pass a bill punishing slavery throughout the islands as a crime has demonstrated its incapacity as a legislature to deal with this modern humane problem.

Mr. Worcester's charge is largely based on the decision of the Supreme Court of the Philippine Islands, the syllabus of which is quoted by him at length, as follows:

"There is at present no law punishing slave holding as a crime.

"The constitutional provision of the Philippine bill that neither slavery nor involuntary servitude shall exist in these islands," while operating to nullify any agreement in contravention of it, requires supplementary legislation to give it effect criminally.

"We are dealing not with a civil remedy but with a criminal charge in relation to which the Bill of Rights defines no crime and provides no punishment. Its effects can not be carried into the realm of criminal law without an act of the legislature."

It happens that to me, as one of the Justices of the Supreme Court of the Philippine Islands at the time, was assigned the writing of the opinion of the court in the case, which is reported at page 64 of the eighth volume of the Philippine Reports, now before me. Without desiring a controversy with Mr. Worcester or Gen. McIntyre, also mentioned in your Washington dispatch, I feel it incumbent on me to promptly call attention to the substance of this decision. The record before the court shows not that slavery existed in any form throughout the Philippine Islands, but only a custom of child servitude or apprenticeship in certain mountain regions. The opinion says:

"It is proved in the case that it is an Igorot custom to dispose of children to pay the debts of their fathers, the transaction in the native language being termed a sale, and the defendant appears to have engaged in the business of buying in Nueva Vizcaya children to sell in the lowlands of Isabela."

"The name applied to it by the custom of the Igorots is not enough to establish that in truth and in effect it was a sale or anything more than a contract for services."

"The employment or custody of a minor with the consent or sufferance of the parents or guardian, although against the child's own will, can not be considered involuntary servitude."

It is likened to an indenturing of children, in accordance with custom, unprotected by statutory safeguards. After calling attention both to the American constitutional declarations against servitude and the humane provisions of the Spanish codes prohibiting the abuse of minors, as well as the declaration of the Spanish law of the thirteenth century that "slavery is a thing that all men naturally abhor," the court suggests that any remedy is for the consideration of the legislature rather than action by the criminal courts.

The further inference is to be drawn from Mr. Worcester's letter that antislavery laws were thereafter passed applicable to the mountain Provinces and the Moro Province, and the offense which he finds is that the legislature refuses to apply a similar law to the civilized parts of the islands. The reason for the refusal is plain. The assembly does not consider that slavery exists in the civilized parts of the islands. It is stated in the letter that "there are Negrito slaves held to-day in the city of Manila." If this is so, their liberation can be enforced any day through a writ of habeas corpus. I am too well aware of Mr. Worcester's skill as a seasoned controversialist to believe that he has ventured upon a specific assertion without holding some proof of it in reserve. I can only say that having been some years a resident of Manila in official position, such a condition of things is unknown to me, as it was unknown to my colleagues, some of whom have resided in the Philippine Islands all their lives. The condition must be exceptional and abnormal, as it is illegal, existing in the islands, as phrased by Gen. McIntyre, "Just as crime exists everywhere."

It may also be observed that for years before the organization of the Philippine Assembly the legislation of the Philippine Islands was in the hands of a commission dominated by Americans, having in its power the passage of an antislavery law on any day at any hour. The reproach, if it be genuine, lies with far greater force against the American commission than the Philippine Assembly, in view of the existence of this species of servitude in the mountain Provinces, which were immediately under the jurisdiction of the secretary of the interior.

It has passed into an adage that "you can not indict a whole people." All history proves that by innuendo you may calumniate a whole people. I may be permitted to say that while not one of those who think Philippine independence a timely or tenable thing to-day, I deplore the creation of a public opinion in this country based on misconception of a subject that truly needs all the light that can be shed on it by men holding official places.

ALBANY, May 3, 1913.

JAMES F. TRACEY.

Mr. Chairman, the foregoing testimony of the Secretary of War and of an ex-member of the Philippine Supreme Court ought to have been satisfactory and final in closing this unfortunate controversy. But Mr. Worcester would not stop at that point, and, at a great expense to the Filipino people, he had printed a voluminous report entitled "Slavery and Peonage in

the Philippine Islands." Though this was supposed to be for the Governor General of the Philippine Islands, extra copies were made and sent broadcast throughout the United States. Later he included much of this document in his book entitled "The Philippines, Past and Present."

Mr. Worcester, in a vain effort to justify his early declarations that slavery exists in the Philippines, used all the agencies of the Philippine Government to find out individual instances of deprivation of personal liberty that had taken place in any part of the islands, the Moro Province included, and cited them in the publications I have referred to before as technical cases of slavery. Any sensible person will attentively and without prejudice read both the report and the book of Mr. Worcester will at once be convinced that the efforts of the ex-secretary of the interior have failed, because if they show anything whatever it is that there is no such thing as slavery in that part of the Philippines inhabited by Christian Filipinos—certainly not in the sense that it existed in the United States prior to the Civil War. The so-called "typical cases of slavery" cited by Mr. Worcester are in fact, in some instances, criminal actions, for which there are very heavy punishments provided in the penal code, and which are given in that code such names as "illegal detention," "kidnaping," and so forth. Indeed, many of these so-called typical cases have been actually tried in the courts of the Philippine Islands and the defendants therein have been convicted and imprisoned. In other instances these "typical slavery cases," such as all those that Mr. Worcester calls "purchase and sale of human beings," are either ordinary contracts for personal services, wherein the employer advances the wages of the employee to the employee's parents or tutors when he is a minor, or they are cases of adoption, wherein the adoptive parents make a present to the destitute mother of the adopted child. When Gov. Gen. Harrison visited last year the town of Bacolor, one of the young men who delivered an address of welcome to the governor in correct English was the "victim" in one of Mr. Worcester's slavery cases. He was "purchased" when still a baby, and his "purchaser," who was a wealthy Filipino of the town of Bacolor, educated him, and upon her death made him her heir. There is therefore no reason for the atrocities of Mr. Worcester, and much less for the expenditure of the money of the Filipino people in printing and distributing broadcast his report, except Mr. Worcester's desire to unjustly depict the Filipino people—for whom he has always entertained an ill-concealed, strong dislike, if not contempt or hatred—as a people devoid of all humanitarian sentiment and moral sense and badly in need of an iron hand to keep them in good behavior.

The following paragraph, which appears on page 82 of Mr. Worcester's special report, and is repeated in more or less the same words on page 729, volume 2, of his book, gives a fair idea as to the impression that the ex-secretary of the interior for the Philippine Islands meant to create in the United States:

Without hesitation I assert that the existence of slavery and peonage in the Philippines is the greatest single problem which there confronts the Government of the United States in its effort to build up a respectable and responsible electorate and to establish representative government.

Shall human flesh be openly bought and sold under the American flag?

If this pathetic and shocking statement presented any semblance of actual conditions in the islands, what a serious charge would the American Government have to answer before the inexorable bar of history! How would the United States satisfy the enlightened opinion and humanitarian sentiment of the world horrified by the discovery that after 15 years of continuous and supreme American control of the archipelago "human flesh is still openly bought and sold" and that this "greatest single problem" of the islands is still unsolved? And what an indictment—if the above-quoted statement of Mr. Worcester was true—what an indictment such a statement would be against every Governor General of the Philippines, beginning with Mr. Taft and coming down to Gov. Forbes, as well as against every member of the Philippine Commission who sat in that body up to the year 1913, more particularly against Mr. Worcester himself, the only commissioner who has held a commissionership continuously from the inauguration of that body until September, 1913.

Fortunately for the United States and for Mr. Worcester himself, they need not suffer the condemnation of mankind on this score, because there never existed in the islands any such problem as alleged. To be sure, in the Moro Province—a territory which has always been under the exclusive control of American officials—slavery was at one time a common practice, and upon the arrival of the first American troops a treaty ratified by the Sultan of Jolo and the American commanding officer provided that this institution should not be interfered with by the American Government. But this shameful treaty was at once repudiated by the Washington authorities, so that even in

the Moro Province within a few years following American occupation no "human flesh" was any longer "bought and sold under the American flag."

But whatever the merits of Mr. Worcester's admonition at the time it was uttered, this "greatest single problem" confronting the United States in the Philippines at the end of 15 years of supreme American rule was promptly and early met by the Philippine Legislature after the Filipinos came into control of both of its branches. On November 28, 1913, an antislavery act was adopted. This originated with the Philippine Assembly, and it passed both houses at a time when Filipinos alone, and without any American member excepting the Governor General, sat in the legislature.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from the Philippine Islands yield to the gentleman from Minnesota?

Mr. QUEZON. Yes; with pleasure.

Mr. MILLER. On the occasion of the visit I made to the legislature, which the gentleman so very well described the other day, the assembly passed the act prohibiting slavery, and the gentleman's statement is correct. Is it not also true that prior thereto the American commission had on three separate and distinct occasions passed such an act prohibiting slavery, and that each of those acts was killed by the assembly?

Mr. Chairman, I am very sorry that my distinguished friend has asked me that question, because he compels me to go further than I intended to into this subject, thus forcing me to mention facts that may not be pleasant. The question of the gentleman reopens the whole controversy about slavery, now happily closed.

It would seem to be suggested by his leading question that the Philippine Commission had done everything in its power to enact an antislavery legislation and that it was the assembly's fault that such a measure failed to become law. Indeed, Mr. Worcester has openly made this charge against the Philippine Assembly.

A little of the history of the Philippine Government since American occupation would at once reveal where the fault lay, were it true that slavery exists in the Philippine Islands in so general and an alarming a form—as the quoted statement of Mr. Worcester would indicate—that it required the immediate adoption of measures for its eradication, which had been until lately neglected.

Upon the assumption of sovereignty by the United States over the Philippine Islands all the powers of government were vested, up to October, 1907, first, in the military commander of the army of occupation, and, subsequently, in an American Governor General and in a Philippine Commission, presided over by that governor and composed chiefly of Americans, appointed by the President of the United States. This Philippine Commission, from 1900 up to October, 1907, was exclusively vested with the power to legislate for the Philippines, and it could have passed during that time any act that it chose regardless of the attitude and desire of the Filipino people.

Had the Philippine Commission intended to pass such an act as was suggested by the gentleman from Minnesota, it could easily have done so prior to the establishment of the Philippine Assembly—an event which did not occur until October, 1907. Why this negligence? Both in the report and book of Mr. Worcester he says that shortly after the establishment of the American commission as the legislative authority for the Philippine Islands, the members of the commission, Mr. Worcester himself not excepted, heard of cases of the type that Mr. Worcester calls slavery. Why did the commission do nothing to prevent or punish such crimes during all the seven years of its unrestricted and supreme exclusive legislative control? The answer to this question given by Mr. Worcester is one of the most remarkable acrobatic mental efforts I have ever seen.

Mr. FESS. Mr. Chairman, would the gentleman yield?

Mr. QUEZON. Mr. Chairman, I am very sorry—

The CHAIRMAN. Does the gentleman yield?

Mr. QUEZON. Mr. Chairman, I am very sorry, but I must decline to yield. Since the gentleman refused to yield to me when he had the floor, although I only wanted to ask him a fair question, certainly he can not expect me to do for him what he would not do for me. [Laughter.]

An attempt to draft such an act, according to Mr. Worcester, took place in October, 1903. The suggestion that the act be drafted and submitted to the commission for action was made by Mr. Taft, then president of the Philippine Commission; but the act never saw the light at the time. "Why such an act was not drafted and passed, I do not know," says Mr. Worcester, on page 22 of his report and on page 692, volume 2, of his book.

So, this first attempt at antislavery legislation took place in 1903. "My personal attention," Mr. Worcester tells us, "was

forcibly drawn to the existence of slavery outside of the Moro territory when I first inspected Nueva Vizcaya in 1905." But Mr. Worcester did not then induce the commission to enact at once antislavery legislation, because, as he explains it, he "then entertained the belief, still held by some Americans, that both slavery and the sale and purchase of human beings could be adequately punished under certain provisions of the Spanish penal code, which were then and still are in effect."

In order, however, to have an authoritative opinion on the subject, Mr. Worcester says that the attorney general was asked to render his opinion on the subject. This was done, and in accord therewith a test case was brought before the courts. Note, Mr. Chairman, that we are told, on the one hand, that in 1903 Mr. Taft had recommended that an antislavery act be framed, a step which for some unknown reason was not taken; and on the other, that in 1905, after the personal attention of Mr. Worcester "was forcibly drawn to the existence of slavery outside of the Moro territory," he—Mr. Worcester—did not immediately renew the effort initiated by Mr. Taft to enact such antislavery legislation because the opinion was still held by himself that the Spanish penal code offered adequate punishment for would-be or actual slaveholders.

But let me continue. A test case, according to Mr. Worcester, was brought before the courts and a final decision rendered thereon by the highest tribunal of the Philippine Islands acquitted the defendant. Mr. Worcester construed this decision as meaning that the supreme court had decided that the Spanish penal code did not punish slavery. Many a lawyer in the Philippines, and especially the Philippine Assembly, did not agree with this construction placed by Mr. Worcester upon that court's decision. I, for one, believe that the ground whereon the court dismissed the case was that there was no evidence presented in support of the complaint. But this is immaterial to the point that I am now trying to make. The material fact is that Mr. Worcester himself in his report and book says that, in view of this decision, "the necessity of legislation seemed obvious."

Let us see how Mr. Worcester, after his "personal attention was forcibly drawn to the existence of slavery," and after he felt that "the necessity of legislation seemed obvious," acted in performance of his plain duty. At that time the commission was still the sole legislative authority of the Philippine Islands and Mr. Worcester a very influential—indeed, the ranking—member of that commission. Did Mr. Worcester then frame and introduce the legislation regarding which he says he did not know why it was not enacted in 1903? Did he frame and introduce the legislation which after the test case was disposed of he says was, in his opinion, an obvious necessity?

He did not. What is his reason now? Let him speak for himself. He says:

The Philippine Assembly was about to meet for the first time. The work of drafting a proper bill was duly provided for, and I am sure that no member of the commission for a moment entertained the belief that there would be any difficulty in securing the concurrence of the assembly in the passage of a reasonable act prohibiting and penalizing slavery, involuntary servitude, peonage, and the sale and purchase of human beings.

When it is remembered that from October 1 to October 12, 1907, four days immediately preceding the inauguration of the Philippine Assembly, the commission, in its desire to cover all subjects of legislation before there was a popular house to reckon with, enacted 70 laws, one may reasonably question the value of Mr. Worcester's explanation. But I shall take it at face value. Let us now see whether, after the inauguration of the assembly, Mr. Worcester tried to secure the enactment of the badly needed legislation. He himself says that not until 1909 did he draft the desired bill. Why this delay? Why, on such an important measure as this—the measure that was to give the final blow to "the greatest single problem confronting the United States in the Philippine Islands"—why, I repeat, on such important legislation as this should two years have been allowed to pass without any action on the part of the commission?

Mr. Worcester again gives us his reason, but it is no more fortunate or convincing than his earlier ones. He says:

The gentleman charged with drafting the bill encountered difficulty in so framing it that it would accomplish the desired end without unduly interfering with the rights of parents to dispose of their children. Long delay occurred.

Mr. Chairman, on the strength of this statement, if I did not know Mr. Worcester's ability "as a seasoned controversialist"—in the words of Justice Tracey—I should think him lacking in common sense, but being familiar with his controversial ability I must believe that he takes for granted that, outside of himself, there is no man in this world who can recognize a joke when he sees it. He must have been in an extremely good humor, an unusual thing with him, when he wrote that paragraph.



How can any man say, and keep from laughing at himself or at his readers, that to frame a single act to punish slavery, involuntary servitude, and peonage, with many similar measures in other parts of the world to copy from or to follow as "precedent," is so difficult a task that long delay is inevitable? And this delay lasted two years! If it be true that the Philippine Commission could not frame so simple and plain a law in less than two years, with the office of the Attorney General and other law offices at their command, then that commission stands convicted of utter incompetency. Yet the Filipino people were for many years under the exclusive legislative authority of such a commission! Of course, the commission was able to frame this bill had it desired to do so. Mr. Worcester himself is a well-informed man. He could have written such a bill in a day; at any rate, in much less time than he employed in writing his report. Doubtless Mr. Worcester, in telling us the difficulty of framing this bill, was amusing himself at his own expense or that of his colleagues of the commission and of the general public as well. But I am not so much surprised, Mr. Chairman, at Mr. Worcester's unexpected jocosity as I am amazed to see that there could be found people who, after such nonsense, would pay any attention to anything that Mr. Worcester might say about slavery or peonage in the Philippine Islands! It is sad to see that Mr. Worcester let his opportunity slip by to become the Lincoln of the Philippines!

The CHAIRMAN. The time of the gentleman from the Philippine Islands has expired.

Mr. QUEZON. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. The gentleman from the Philippines asks unanimous consent to be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from the Philippines yield to the gentleman from Indiana?

Mr. CLINE. The gentleman says that during the last session of the Philippine Legislature they passed a law punishing slavery and peonage?

Mr. QUEZON. Yes, sir; this law originated with the Philippine Assembly and was passed also by the commission when only one American member was in the islands.

Mr. CLINE. It is charged, though, by the gentleman from Minnesota [Mr. MILLER] that on three different occasions the Filipinos had an opportunity to concur with the commission in those acts.

Mr. QUEZON. Yes.

Mr. CLINE. How do you explain their failure to do it?

Mr. QUEZON. I am coming to that now, but I thought I should first inform the committee as to the whole process that this antislavery legislation went through, according to Mr. Worcester's own account, so that gentlemen may form a proper conception of the true import of the so-called slavery question in the Philippine Islands and the reasons that the assembly had for not concurring with the commission in the passage of the antislavery legislation, as suggested by the question of the gentleman from Minnesota [Mr. MILLER]. From what I said, Mr. Chairman, or, rather, from what Mr. Worcester himself says, the salient, clearly established fact is that from the creation of the Philippine Commission down to 1907 the commission was the sole legislative body of the Philippine Islands, and that down to 1909 no antislavery legislation was passed by that body. Now, such being the case—and there is not the slightest dispute about it—we are face to face with this dilemma: That either there was no slavery in the Philippines so real or so general as to demand immediate attention and to require special legislation on the part of the Philippine Commission, or if there was slavery, so openly and extensively practiced as to constitute "the greatest single problem confronting the United States in the Philippines," there never was a body of more incompetent or more criminally negligent officials than the members of the Philippine Commission, who, down to 1909, failed utterly and in disregard of their most imperative duty to enact the necessary legislation. Since this last theory would seriously indict several men of recognized capacity and devotion to duty, such as ex-President Taft, ex-Secretary of War Wright, ex-Gov. Gen. Smith, ex-Gov. Gen. Forbes, and others, the only possible theory is that Mr. Worcester's agitation about slavery in the Philippines is a tempest in a teapot. And this is really the truth and the whole truth in a nutshell. That is why the assembly refused to concur with the Philippine Commission in passing the antislavery legislation, which unexpectedly became at the eleventh hour the mania of the ex-secretary of the interior.

The members of the Philippine Assembly did not believe then that in the territory inhabited by their respective constituencies slavery in its legitimate meaning existed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUEZON. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from the Philippines asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. QUEZON. Mr. Chairman, I can anticipate the further question that the gentleman from Indiana [Mr. CLINE] is formulating in his own mind. He wishes to know if the members of the assembly who have enacted this antislavery legislation came at last to the conclusion that slavery is practiced among their constituents and that the penal code did not contain provisions punishing that crime. I can answer that question, for I am fully informed that nothing of the sort had happened. I for one can give a very good reason why the antislavery act had to be passed in 1913 while no such act was needed prior to January, 1912, regardless of whether there was slavery or not in the Philippine Islands and of whether prior to 1912 the provisions of the penal code imposed heavy penalties for all kinds of violations of personal liberty. The fact is that on January 20, 1912, a law was enacted in the Philippine Islands legalizing compulsory service and providing severe penalties for employees who should leave the service of their employers before they had paid their debts. This law was introduced in the Philippine Commission on November 11, 1911, passed that body on November 14, 1911, and became law on January 20, 1912, as I stated. This infamous law, the only one which has ever in the Philippines given legal sanction to the forcible retention of one man by another for the purpose of compelling the former to render to the latter a service, was passed by the commission at a time when Mr. Worcester was the ranking member of that body and was insisting upon having the Philippine Assembly concur with the Philippine Commission in passing antislavery legislation. This infamous law was enacted while Mr. Worcester was attracting the public attention of this country with his alarming denunciations that slavery and peonage were being practiced in the Philippine Islands. No better proof could be given either of the lack of sincerity of Mr. Worcester in his alleged effort to eradicate the supposed slavery and peonage in the Philippine Islands, or of the nonexistence of these evils that he was denouncing, than the fact that the commission passed the peonage bill. For if Mr. Worcester was really attacking this evil, why should he consent to pass an act that would legalize that practice? The fact that the commission had to pass such a bill indicates, at least, that if slavery and peonage were common practices in the Philippine Islands the time had arrived when the working class knew that its members had the right to work for whomsoever they chose and to leave the service of their employers at will. And these unfortunate creatures were to be deprived of that inviolable right by an act which Mr. Worcester himself took part in passing!

To the everlasting benefit and glory of the Filipino people, to the confusion and shame of those who accuse them of tolerating, if not heartily supporting, the use of their fellow men as animals, the present Philippine Legislature, by enacting last year its antislavery legislation, blotted out forever the only page on our statute books which bore upon it a barbarous, inhuman, criminal act. [Applause.]

I shall print this law in the RECORD, and side by side with it I shall print the antislavery legislation enacted by the present Philippine Legislature:

ANTISLAVERY LAW PASSED BY FILIPINIZED LEGISLATURE NOVEMBER 28, 1913.

An act confirming existing legislation prohibiting slavery, involuntary servitude, and peonage in the Philippine Islands, subject to modifications as provided in sections 268, 269, 270, and 271 of the act of the Congress of the United States approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and adopting measures for preventing violations of said laws.

By authority of the United States, be it enacted by the Philippine Legislature, that—

SECTION 1. Nothing provided in the existing legislation shall be understood or construed as directly or indirectly permitting slavery, involuntary servitude, and peonage in the Philippine Islands. Subject to the modifications provided in the next following section, the provisions of law prohibiting and pun-

PEONAGE LAW PASSED BY COMMISSION NOVEMBER 14, 1911.

An act relating to contracts of personal service and advances thereunder, and providing punishment for certain offenses connected therewith.

By authority of the United States, be it enacted by the Philippine Legislature, that—

SECTION 1. Any person who, with intent to injure or defraud his employer, enters into a contract for the performance of any act or personal service, and thereby obtains money or other personal property from such employer as a gratuity or advance on wages to be earned under such contract of employment, and without just cause, and without refunding such money or paying for such property, refuses or fails to perform such act of service, shall on conviction thereof be punished by a fine of not more than \$200 or imprisonment for not more than six months, or with both penalties.

ishing slavery, involuntary servitude, and peonage contained in any laws, orders, ordinances, decrees, instructions, or regulations promulgated during Spanish government and applicable to the Philippine Islands are hereby confirmed and ratified.

SEC. 2. The provisions of sections 268, 269, 270, and 271 of the act of the Congress of the United States approved on March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," are hereby adopted, with the necessary modifications, as if they had been enacted by the Philippine Legislature, to be in force within the territory subject to the jurisdiction of said legislature, so that said sections, as modified, shall read as follows:

(a) Whoever kidnap or carries away any other person, with the intent that such other person be sold into involuntary servitude or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding shall be liable to the penalties therein prescribed.

(d) Whoever shall knowingly and willfully bring into the Philippine Islands or any place subject to the jurisdiction thereof any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than \$10,000 and imprisoned not more than five years.

SEC. 3. It shall be the duty of the provincial governor of every province organized under act No. 83 of the Philippine Commission to obtain information and take all measures that in his judgment may be proper to forestall and thereafter to prevent any violations of this act, and in case such violations have been committed, to order immediate prosecution. It shall also be the duty of the provincial governor to order, where necessary, the institution of habeas corpus proceedings, and he may apply to the provincial fiscal, and in his default to the proper court, for the designation of a lawyer to protect the rights of the person or persons for whose benefit the habeas corpus proceedings shall have been brought, and no fees shall be charged for such services, and the costs shall in every case be de officio.

SEC. 4. The courts of first instance shall have original jurisdiction over all cases for violations of this act.

Enacted, November 28, 1913.

Mr. Chairman, Mr. Worcester has paid me his respects both in his report and in his book. He has openly questioned my sincerity or veracity when I first took issue with him as to the question of slavery in the Philippine Islands. I paid no attention to such attacks, for I do not care to lose my time in a useless discussion with him. I should have not brought these questions forward upon this floor had there not been insinuations as to the alleged unwillingness of the Filipino people to

SEC. 2. Any person who, with intent to injure or defraud his landlord, enters into a contract in writing for the rent of land under an agreement to cultivate such land, thereby obtains money or other personal property from such landlord, and without just cause, and without refunding such money or paying for such personal property, refuses or fails to cultivate such land or to comply with his contract relative thereto, shall on conviction be punished by a fine of not more than \$200 or imprisonment for not more than six months, or with both penalties.

SEC. 3. Any person who, with intent to injure or defraud, shall contract with another to receive from him personal service of any kind and to compensate him therefor, and thereafter with like intent receive the benefit of such service in whole or in part and fails or refuses to pay the compensation agreed upon shall upon conviction thereof be punished by a fine of not more than \$200 or imprisonment for not more than six months, or with both penalties.

Enacted, January 20, 1912.

prevent the mistreatment and exploitation of their weaker fellow citizen by those who are stronger and unscrupulous. What I am ready to tolerate or overlook regarding myself I shall never let go unchallenged regarding my people.

Now, Mr. Chairman, in conclusion, it would be preposterous to say that there are not, or there may not be, cases when some Filipino has taken advantage of another Filipino. That would happen there as it happens everywhere, as long as there are bad and good men, strong and weak men, wise and ignorant men. But it is true that at no time was there lacking in the Philippine Islands, in the territory inhabited by Christian Filipinos, a law that would punish such actions; neither is it true that the law was not properly applied when any such case was brought before the court, save perhaps in instances when the judge was not equal to his duties—a misfortune that may happen anywhere and which did happen from time to time during the period of Spanish rule.

Mr. MANN. Will the gentleman yield?

Mr. QUEZON. Yes.

Mr. MANN. In view of the gentleman's statement, what objection is there to putting this provision into the law?

Mr. QUEZON. As I said at the beginning of my remarks, I have no objection to its substance or object, and I would be glad to have it put into the law, but I regret that the distinguished college professor from Ohio [Mr. Fess] should think it necessary to bring into this discussion one of the charges more deeply resented by the Filipinos than any other, because they think that the subject was brought before the American people not for the purpose of curing that evil but for the purpose of denouncing them as being in favor of enslaving their own people, and that it was necessary to send to the Philippine Islands high-salaried men like Mr. Worcester to defend the people of that country against the selfishness of their countrymen. [Applause.]

Mr. Chairman, I shall insert in the Record in connection with my remarks a review of Mr. Worcester's book, entitled "The Philippines—Past and Present," printed in the Wisconsin State Journal, May 30, 1914.

The review referred to is as follows:

No more important work regarding the Philippines has yet been printed in English. No more interesting work regarding them is likely to be written. To properly review it, either for content or argument, would demand much more space than is at our disposition. The title of the work is misleading. It might better bear one somewhat like this: "The achievements of Dean C. Worcester, as judged by himself, with slaps at Judge Blount." The Good Book tells us that when the Maker of all had finished His six days' toil, He inspected it and declared it good. There have been many human imitators of this divine example; rarely have we known one so satisfied as Prof. Worcester. He declares his Philippine achievement to be very good. The book is one of the "before taking" and "after taking" advertisement sort. It shows us the Philippines before they had Worcester and after they had him; one must be blind not to see the improvement. Mr. Worcester's fundamental proposition is that the Philippines are only possible with us in charge. We have built a splendid structure there, and if we leave it it will crumble. The Filipinos are not fit for independence and will not be for a long time. So we must stay, even if we wished to leave. The earlier chapters of the book are historical, after a fashion. They are intended to relieve conscience. They discuss whether independence was promised and whether we destroyed a republic. It is claimed that we did neither. Insurgent rule is shown to have been a failure, shockingly brutal and cruel, supported by "murder as a governmental agency." The insurrection is said to have been premeditated and the war is stated to have been conducted treacherously. This is a faint picture of the conditions as Worcester depicts them. If one takes his statement just as it stands, it is alarmingly conclusive. Having proved all these things to his own satisfaction, Mr. Worcester proceeds to show what benefits we have conferred and details them one by one. It makes interesting reading, and taken at face value causes one a glow of satisfaction. One may, however, read between the lines. And one sometimes doubts whether Mr. Worcester really takes himself seriously. Almost every topic he takes up raises questions. For example, take health service. We fully appreciate the good done, but there are some curious things in it. We have been too short a time in the islands to know much of cholera and its course there. There was a dreadful outbreak of the disease in 1902-1904. I quote two paragraphs relative to it: In 1902, "before it was finally checked in Manila, there were 5,581 cases, with 4,336 deaths; while in the Provinces, in many of which it necessarily long ran its course practically unhindered, there were 160,671 cases, with 105,075 deaths." In 1904 "the conditions for combating cholera were now more favorable than in 1902," and we have the following results: In Manila "a total of 283 cases and 243 deaths."

"In the Provinces the results of the campaign against cholera were far less satisfactory than in Manila, as was to be anticipated, owing to the lack of adequate personnel, but the cases, which numbered 34,238, and deaths, which numbered 22,938, were far fewer than during the previous epidemic." Examine these satisfactory results a little. In 1902 in Manila 76.7 per cent of the cases died under care; in the Provinces 66.2 per cent of the cases died with inadequate care. In 1904 in Manila 85.8 per cent of the cases died under care, with improved and more favorable conditions; in the Provinces 66.9 per cent of the cases died under inadequate care. Will the death rate in the Philippines, apparently pretty steady at 66 per cent in neglect and bad conditions, finally rise in Manila to 100 per cent when the medical treatment is perfected along modern lines? Mr. Worcester aims, however, to give the impression that danger from cholera is past; that the disease has been stamped out. Thus he states that deaths from cholera have diminished: "In 1908 they numbered 18,811; in 1909, 7,506; in 1910, 6,940; in 1911, 263; in 1912 there were none, and thus far in 1913 there have been none." Curious contrariety of things! In a foot-



note we read: "Just before I left Manila, in October, 1913, cholera reappeared there."

#### WORCESTER'S REASONING.

There is no question that Mr. Worcester has been doing his duty all these years in the Philippines with Spartan inflexibility and firmness. He long ago recognized that no thanks were to be expected from the Filipinos. His "wild people," are responsive, but the Filipinos are ungrateful. Mr. Worcester's best friends will hardly claim that he is a man of fact. In his effort to prove the Filipino Assembly incapable of good legislation, Mr. Worcester quotes Speaker Osmeña as follows: "The bill itself was sent to the assembly for action; but on account of the unfriendliness of the members for the secretary of the interior and the lack of sympathy between the assembly and him, it was not given the consideration that it would have received if Mr. Worcester had at the same time sent us the facts which he has sent on to the United States." To Mr. Worcester this remark of Señor Osmeña merely emphasizes the incompetence of the Filipino politician. He excuses his not supporting his bill by the sending of facts by the plea that they all knew the facts. The truly interesting point, however, here is that Mr. Worcester hung onto his job, even when he was so much hated personally that legislation was adversely affected. This was true for years. His usefulness in the commission ended when he was completely disliked by that body, which officially represents seven-eighths of the Philippine population. The tenacity with which he clung to his office after his usefulness was gone became a joke. If it were not so pathetic it would be very, very funny.

On the first occasion when I saw Prof. Worcester he was talking in defense of the Benguet road; he is still defending it; he will have to defend it to his dying day; and after he is gone apologies will still be in order. There are some things, however, into which he does not go. Thus he makes but two incidental references to his libel suit against *El Renacimiento*. It was the best newspaper in the Philippines. It was ably edited. Mr. Worcester's suit against it was a famous incident, which should not have been neglected in this book. Your reviewer felt at the time that the United States Government would have done wisely to buy off Mr. Worcester at any price. To have paid him \$50,000 or \$100,000 or \$200,000 damages to compensate him for his injured feelings would have been good policy and real economy. There had been things before that irritated the Filipinos, but with the closing up of *El Renacimiento* Mr. Worcester's usefulness in the islands came completely to an end.

#### A WASHING OF DIRTY LINEN.

But the book is full of interesting matter. Some of it is commendable, some is open to criticism; there is much fact, much fancy; there is much unassailable statement of fact, much casuistry. On the whole it is an apology, a party document, a washing of dirty linen. Whom he loves, he adulates; whom he hates, he lashes. Many excellent men who have done great work in the Philippines he ignores. Toward the end of his book he lays an excellent basis for exploitation; he appeals to our cupidity; he shows the wealth and strategic importance of the Philippines. Having demonstrated to his own satisfaction that they can not and will not develop and utilize, we must. It is a simple and easy argument. We must use the Filipino to develop the Philippines for us. He will work under direction, not alone. "We soon discovered that by picking fairly strong men and feeding them plenty of meat we could make them able and willing to do it"—i. e., work. Keep at it! There are millions there for us, if only we can make them do the heavy work. Worcester's book will make a capital promoter's handbook for an exploitation company.

Of course, we can never fit the Filipino for independence and self-government. He must fit himself. We shall never make him into a white man like ourselves—not in a thousand years. Why should we try to do so? He is best to be what nature made him capable of becoming. When we withdraw—but, alas, we are unlikely to withdraw—he will not maintain what we have developed. He ought not to do so; he should not try. Our model government there is a misfit. Filipinos can develop a fitter one. Judged by our standards, it will no doubt be inferior. But they ought to have a chance, and very soon. Many competent judges believe they are less fit for self-government to-day than when we took them over. Some believe that every year we stay they become less fit. We should leave—the sooner the better.

Mr. FESS rose and was recognized.

Mr. JONES. I ask unanimous consent that debate upon this paragraph and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] asks unanimous consent that the debate upon this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. MILLER. Reserving the right to object, may I inquire if it is the intention to use that 10 minutes on the other side?

Mr. JONES. That matter is in the hands of the Chair. I suppose he will divide it equally between the two sides.

Mr. MILLER. That side has already had 15 minutes and this side 5.

Mr. JONES. Oh, no; the time of the gentleman from Ohio was certainly extended 5 minutes, making at least 10 minutes. Does the gentleman want to discuss this?

Mr. MILLER. I do not know, but I think 10 minutes will be a little short. Suppose the gentleman makes it 15.

Mr. JONES. Very well, let us make it 15 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that at the end of 15 minutes debate on this paragraph and all amendments thereto be closed. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, this question was up before, and it went over this country like a forest fire; and when the present Commissioner from the Philippines put himself on record as to whether there was any slavery or involuntary servitude in those islands he did it in a letter that he wrote to the editor of the Boston Herald June 24, 1912. That letter is in print and is before me. In that letter he said:

Do we have slavery and compulsory service in the Philippines or not? If we do not, the bill to abolish it is unnecessary. If we do, it is also

unnecessary, because the act passed by Congress creating the present Philippine Government, which serves as our Constitution, already prohibits slavery and compulsory service, and therefore no act of the Philippine Legislature is needed to declare it illegal.

Mark those words—

And therefore no act of the Philippine Legislature is needed to declare it illegal.

Now he comes upon the floor and makes the statement that the present legislature has pronounced it illegal in order to make the constitutional provision here effective. When he claimed that it was not necessary two years ago, he proceeded to say:

If there is slavery and compulsory service in the Philippines, the Governor General, as the chief executive, and the members of the Philippine Commission, who, with the Governor General, compose the executive department of the islands, are all of them guilty in not enforcing and executing the constitution of the archipelago.

And he repeats that upon this floor to-day, when the facts which I will print show that there was slavery in the sections over which the commission had no control and Secretary Worcester had no control, but which were under the Philippine Assembly. When he says that the Philippine Assembly did not act, he says it did not act because it was unnecessary for it to act. That is a confusion of terms, and that calls attention to the proposition that I submitted to my friend from Tennessee [Mr. GARRETT] a while ago, namely, that the constitutional provision is a dead letter unless the power to enact it into law will act; and if it does act it may repeal the very thing that it has made into law. Then, in another place, the Commissioner from the Philippines [Mr. QUEZON] says:

The passage by the Philippine Commission of the antislavery bill placed the Philippine Assembly in a very awkward position (as it was perhaps intended to do); to concur in the passage of the bill was to admit that there is such a thing as slavery and compulsory service in the Philippines, which is not a fact.

He says:

To reject the bill would be construed as indicating that the members of the assembly were advocates of slavery. The moral courage of our assemblymen was shown when they took the former course—that of truth. The members of the commission denounce the attitude of their colleagues as proof of lack of sympathy for the masses of the people.

Now, Mr. Chairman, he said in this letter that there was no such thing as slavery there. I do not think he denies it now on this floor, from what he just said; but he regrets that a member of this committee raised one of the serious questions pertaining to the Philippine Islands, a subject of our legislation. This information which I will print comes from sources that ought to invoke respect, and I leave it to say whether it is just Dean Worcester or whether it comes from officials throughout the islands, including Filipinos as well as Americans. [Applause.]

I here wish to insert a report made by Dean C. Worcester, secretary of the interior, submitted June 30, 1913.

#### APPENDIX.

NO. 8. AN ACT DEFINING THE CRIMES OF SLAVE HOLDING AND SLAVE HUNTING, AND PRESCRIBING THE PUNISHMENT THEREOF.

[As amended and approved by the Philippine Commission November 2, 1903.]

By authority of the Philippine Commission, be it enacted by the Legislative Council of the Moro Province, That every person who buys, holds, sells, or otherwise disposes of any person as a slave, or who directly or indirectly causes any person to be held in involuntary servitude, except as provided by law, is guilty of slave holding, and upon conviction shall be imprisoned not more than 20 years and be fined not more than P10,000 Philippine currency.

SEC. 2. Every person who buys, captures, abducts, or receives any person with intent to sell or otherwise dispose of such person as a slave, or to cause such person to enter into involuntary servitude, or who knowingly aids or abets the recapture or detention of any person escaped from slavery for the purpose of returning such person to a condition of slavery or involuntary servitude, or who knowingly owns or is employed upon or has any interest in any vessel used or employed in the transportation of any person for the purpose of causing such person to enter into slavery or involuntary servitude in the Moro Province or elsewhere is guilty of slave hunting, and upon conviction shall be imprisoned for not more than 20 years and be fined not more than P10,000 Philippine currency.

SEC. 3. Any vessel employed with the knowledge and consent of the owner in the transportation of any person from or into the Moro Province, or within the limits of the same, for the purpose of disposing of such person as a slave or of causing such person to enter into involuntary servitude in the Moro Province or elsewhere, and any property, shelter, subsistence, arms, animals, or equipments employed with the knowledge and consent of the owner in the trafficking in, hunting, capturing, or recapturing slaves, shall be subject to confiscation, and upon due proof before the proper court and after due sentence shall be sold at public auction. The proceeds of such sale constitute a part of the funds of the Moro Province.

SEC. 4. Nothing in this act shall be construed as countenancing or recognizing the legality of slavery or involuntary servitude as heretofore existing in the Moro Province, or as exempting or excusing any person who may have heretofore committed any of the acts defined and punished in this act as slave holding or slave hunting from prosecution and punishment under the laws of the Philippine Islands.

SEC. 5. Subject to annulment or amendment by the Philippine Commission, this act shall take effect on its passage.

Enacted September 24, 1903.



## TYPICAL CASES OF VIOLATION OF THE MORO PROVINCE ANTISLAVERY LAW FROM THE COURT RECORDS OF SAID PROVINCE.

On April 19, 1904, the Moro Alan was convicted of having violated the antislavery law by sequestering a Moro girl named Cabala in order to make a slave of her and was sentenced to 12 years' imprisonment. (Criminal case No. 31, district of Zamboanga.) A fine of P500 was imposed on this man, while the Moros Milajan and Tangigi were sentenced to 10 years' imprisonment and a fine of P100 each.

On September 7, 1904, a Bagobo named Obo was convicted of having violated the antislavery law by purchasing, possessing, and disposing of one Dumancal as a slave. (Criminal case No. 40, district of Davao.)

On November 7, 1904, a Moro man named Batu was convicted of having violated the antislavery law by capturing and carrying away a Moro woman named Lalia with the intention of selling her as a slave, which he later actually did. (Criminal case No. 28, district of Sulu.)

On March 25, 1905, a Moro man named Javing was convicted of having violated the antislavery law by holding as a slave a Moro man named Tutu, his wife, called Patima, and his four children, called Napala, Daulan, Adajali, and Malija. (Criminal case No. 78, district of Zamboanga.)

On March 8, 1905, a Moro man named Valentin was convicted of having violated the antislavery law by holding a girl called Dugunayan as a slave. (Criminal case No. 49, district of Davao.)

On November 22, 1905, a Moro man named Hadjee Asmail was convicted of having violated the antislavery law by taking three Moros and capturing a Moro woman named Incung, who was held, to be sold as a slave. (Criminal case No. 26, district of Sulu.)

On August 9, 1906, a Moro named Ampan was convicted of violating the antislavery law by capturing a Moro man named Tagusú and holding him as a slave. (Criminal case No. 107, district of Lanao.)

On August 8, 1906, two Moros named Magumpara and Magaling were convicted of having violated the antislavery law by capturing as slaves Gamba and Tabliaran. (Criminal case No. 106, district of Lanao.)

On August 7, 1906, a Moro man named Campung was convicted of having violated the antislavery law by selling as a slave a Moro woman named Baudi. (Criminal case No. 104, district of Lanao.)

On August 7, 1906, a Moro named Pasagui was convicted of violating the antislavery act by buying a Moro woman named Abacudi as a slave. (Criminal case No. 105, district of Lanao.)

On August 7, 1906, a Moro chief named Sanco was convicted of violating the antislavery act by buying two Moro men named Sampiri and Siryat as slaves. (Criminal case No. 102, district of Lanao.)

On February 12, 1907, a Moro named Bambang was convicted of violating the antislavery act by capturing two Moros named Garuda and Tabliaman in order to sell them as slaves. (Criminal case No. 120, district of Lanao.)

On August 7, 1907, a Moro named Murodan was convicted of violating the antislavery act by buying a woman named Talama as a slave. (Criminal case No. 71, district of Cotabato.)

On August 7, 1907, three Moros named Guimngbanan, Morega, and Gwam were convicted of violating the antislavery act by selling a Moro woman known as Talama, referred to in the previous case, as a slave. (Criminal case No. 72, district of Cotabato.)

On April 17, 1908, a Moro named Atucan was convicted of violating the antislavery act by selling a woman named Duducan as a slave. (Criminal case No. 8, district of Lanao.)

On August 16, 1907, two Moros named Umpara and Bansil were convicted of violating the antislavery act by selling a Moro named Liba as a slave. (Criminal case No. 133, district of Lanao.)

On August 16, 1907, two Moros named Amay and Saumayang were convicted of violating the antislavery act by selling a Moro named Bansil as a slave. (Criminal case No. 134, district of Lanao.)

On August 19, 1907, a Moro named Macalangut was convicted of violating the antislavery act by buying two Moros named Sandat and Alanga, for whom he paid P5. (Criminal case No. 138, district of Lanao.)

In numerous other cases conviction was not secured because of the inability to secure witnesses who would testify to facts which were well known, or because of the sudden and complete disappearance of witnesses with knowledge of the facts who were willing to testify.

REPORT OF SENIOR INSPECTOR SORENSON, PHILIPPINE CONSTABULARY, ON SLAVERY IN THE PROVINCE OF ISABELA.

CONSTABULARY OF ISABELA,  
OFFICE OF THE SENIOR INSPECTOR,  
Ilagan, Isabela, May 2, 1903.

FIRST DISTRICT CHIEF,  
PHILIPPINE CONSTABULARY,  
Manila.

Sir: In compliance with telegram of April 28, 1903, from the chief of first district Philippine Constabulary, I have the honor to respectfully submit the following report:

Buying and having slaves has evidently been very common in this valley during Spanish occupation. I am satisfied that, to a large extent, the poorer population in the towns and barrios are the descendants of former slaves bought from Igorrotes or Calingas by the richer Spanish or Ibanag landowners.

The two Christian tribes in this valley are the Ilocanos and the Cagayanos or Ibanags. The former are immigrants from Ilocos Sur and Norte, and they have practically only been here for a generation; they come here as laborers for the tobacco companies and eventually stay and settle here. The latter tribe are the original inhabitants of the valley, but are somewhat indolent, and do not care to work for others.

These two tribes are confined to a very narrow strip of land—in fact, only about 20 miles wide—taking in only river bottom land of the Cagayan River and its tributaries, and their only crop is tobacco, which can not profitably be raised by them on the higher land not inundated during the rainy season. They are also afraid of living in isolated places, as families that have done so are killed by the uncivilized tribes whenever opportunity offers.

The non-Christian tribes living in this valley and surrounding foothills and mountains are the Calingas or Gaddanans, Igorrotes, Negritos, Ilongotes, and Catalanganes. Of these the Igorrotes and Calingas are confirmed head-hunters, and consequently always at odds with their neighbors, even if they belong to the same tribe. The Igorrotes, I think, are the larger tribe—at least, they are more plentiful in this Province—and in appearance and manner very much like the ordinary Filipino, and though they consider a G string to be ample covering for anybody, they otherwise are as far advanced as the barrio Filipino; they have bamboo houses, cooking utensils, same as used by the Filipinos, raise rice and garden truck, have horses and carabao, make bas-

kets and earthenware pots, and, in fact, have all the comforts enjoyed by their Christian brothers.

They live in so-called rancherias, very much resembling a barrio, but generally situated in out-of-the-way places. As they covet the possession of heads, for religious or other reasons, and as these heads are never obtained from their own rancho, they naturally do not live on the best of terms with the outer world.

In making raids on other rancherias for head-hunting purposes some prisoners are generally taken, with the idea, I think, of killing them afterwards, or selling them, as the Igorrotes do not keep slaves. In disposing of their slaves they generally do as follows:

A small number of Igorrotes, generally about four or five, will appear in a town with one, two, or three prisoners, as the case may be, and make known to the people that they wish to dispose of them. They will generally be accompanied by an interpreter, who is often a hunter, who is on good terms with the Igorrotes; he will take them around to the most likely houses in town, and no doubt gets a fee for his trouble.

After some dickering and showing the fine points of their wares, a bargain is struck, cash is handed over, and the Igorrotes depart.

The slave is then put to work in the house, and shortly afterwards baptized, is treated well, learning to speak the prevailing dialect, and no doubt thoroughly appreciates the change.

He is, of course, assigned to the meanest and hardest work, as carrying water and the like, but nevertheless well treated for fear that he should run away, and his only compensation is food and what little clothing he needs. His master will generally see that he gets married in due time, and whenever he thinks he can safely do so, he sends him out to his ranch to work there.

If the slave should wake up to the fact that his services ought to be paid for, and would look for other work, he will find that nobody would employ him, as everybody in town knows that he belongs to his master, and a person doing so would incur the enmity of every slave owner. Consequently, the only method of liberating himself is to run away to some distant place, from where his master would not be likely to get "noticias," or where the practice of owning slaves is not prevailing.

My investigation of this matter has been conducted very quietly, as it would look suspicious in the eyes of the native if I should inquire too deep into the prices paid or personally interview the buyers; I have therefore had a young native to furnish me the following list of persons who have bought slaves during the last year.

The slave owner will make himself believe that he is doing a very commendable thing in rescuing an infidel and having him brought up to become a good Christian; true, also, if carried on for some time the non-Christian will become assimilated and a Christian.

I stated in my telegram that the governor, Señor Dichoso, had recently bought three slaves; this I have not been able to verify; on the list given me he is supposed to have bought only one of a lot of three recently sold here; of the remaining two, one went to his father-in-law, Andres Claraval. The third of this lot I have not been able to trace, as I did not like to show too much zeal in the matter as yet.

Igorrotes sold in Ilagan within last year: To the presidente, Pascual Paguirigan, one boy 12 years old for \$130. This boy is doing housework.

To Gabriel Maramag, sheriff of the Province, one girl 12 years old for, he believes, \$150. This girl is also doing housework.

To Pedro Gangan, concejal, a woman 25 years old and a man 26 years old for \$145. They both do housework.

To Desiderio Camarao, a merchant doing business in this valley with house in Aparri, boy and girl about 10 years old for \$250. These children are working in house in Aparri.

To Luis Futad, owner of a billiard hall here, a boy 8 years old for \$115. This boy is doing housework.

To Blas Padagas, an Ilocano concejal, a boy about 10 years old for \$150. This boy does housework.

Blas Padagas also bought another boy at about 10 years of age and sold him afterwards to Irineo Comaseng, manager of cooperative store in Ilagan, for \$180. This boy has been sent to Manila, where he now works for Irineo's sister, living somewhere in Santa Cruz, Manila.

To Juan Paggao, a former concejal, and whose son is now concejal, a man 27 years old for \$110. This slave died about two weeks after being purchased.

To Señor Dichoso, governor of Isabela, a boy 14 years old. Have not been able to ascertain the price paid.

To Andres Claraval, father-in-law of Señor Dichoso, a woman 26 years old. Also not able to ascertain price in this case.

Jose Patanag, a boy 10 years old for \$170. This boy is working on owner's ranch in barrio Lulutan.

While in Aparri, en route for this station, I saw three young Negritos, two boys and one girl; the boys were about 14 years old and the girl slightly younger. Inquiring, I was told that they belonged to a Chino merchant, who had bought them recently. The boys were working in rear of the Chino's house, facing the river, and engaged in filling in and raising the level of the land with soil obtained in or near the river. The girl was working in the cuisine.

As seen from above list, only the very best or richest class of inhabitants keep slaves; naturally the poorer could not afford to buy them; nevertheless, it is apparently a good investment, as the salaries for field hands are about 4 or 5 pesetas a day, or a certain part of the crop.

The people here, especially the officials, are very bitter against the Calingas, who, they declare, ought to be killed wherever met; this is especially so whenever it is discovered that they have killed Christian Filipinos. It is certainly a very bad state of affairs, considering the impossibility of fastening the guilt of these murders on individual Calingas. They roam over such a large territory that it is impossible to know by which band a certain murder has been committed, and there never are any eyewitnesses to these affairs, as they are always perpetrated on hunters, travelers, or families living on isolated ranchos.

The Calinga, though, is not entirely to blame, as he is treated unjustly, and practically has no standing in their courts; besides, these so-called hunters, in doing so, invade the country of the Calingas and whenever opportunity offers will steal their carabao and horses or kill them, claiming that they thought they were wild carabao and horses. The main trouble is that in revenging himself he does not always get the guilty parties. In order to be more conversant with the Calinga question, and to be able to be on speaking terms with them whenever desirable, and to gain their confidence, it is necessary that we be supplied with about 20 more good horses. I believe that this Province needs horses more than any on account of this same question. In other Provinces, usually food can be obtained most everywhere, while



here it is an impossibility to obtain anything outside of the towns or barrios.

A peculiar fact connected with the selling of slaves is that an Igorrote never sells Calingás as slaves, or vice versa, which no doubt shows that they do not show each other mercy, but that if prisoners are taken they are invariably killed.

A Tagalo by the name of Cosme Ferrer, living in this town, and a hunter at odd times, has acted as go-between in the selling of slaves at various times, and I am assured that if any Filipino should want to invest in a slave this man could arrange to have a lot brought in here for selection.

Very respectfully,

A. O. SORENSON,  
Captain and Senior Inspector, Isabela Province.

DECISION OF THE COURT OF FIRST INSTANCE IN THE TOMÁS CABANAG CASE.  
In the court of first instance in and for the Province of Nueva Vizcaya, mountain judicial district.

Los Estados Unidos contra Tomás Cabanag. Criminal case No. 32, for detention illegal.

#### OPINION AND JUDGMENT.

The above-entitled cause, submitted on January 10, 1906, and by the court taken under advisement, presents another and still different phase of the traffic in human beings from any and all others that have been tried and disposed of by the court at this term, viz, the occupation of an agent or factor from the intelligent and educated natives who buy in Nueva Vizcaya to sell at a profit or advance in Isabela. The accused has been ably defended and the evidence is in conflict upon some material points, and it is only by the most careful consideration and observation of the nature, interest, and manner of the witnesses while testifying that the real and true facts as established by such evidence is made clear and apparent.

Without entering into a discussion or explanation of the nature, interest, and manner of witnesses, this court now finds the following facts established by the evidence beyond all reasonable doubt:

Tomás Cabanag, the accused, was and is an intelligent and well-known citizen and resident of Cauayan, in the Province of Isabela, and also has a house in Solano, in the Province of Nueva Vizcaya, where his relatives (sister) live and where he is accustomed to stop on his visits to said pueblo.

On or about the 30th of April, 1905, the accused, being in Solano aforesaid, made and entered into a contract with the Igorrote woman, Antonia Malanta, a so-called Christian Igorrote, from the rancheria of Quilangan, in said Province of Nueva Vizcaya, for the purchase of the Igorrote child, Jimaya, age about 13 years, and a native of the rancheria of Anao, in said Province, agreeing to pay the said Antonia Malanta the sum of ₱100 and with the purpose and object of taking said child, Jimaya, to the Province of Isabela and there selling her into slavery.

This contract for the transfer of the possession of said child was made without any inquiry whatever as to the parentage or guardianship of said child or the right of the said Igorrote Antonia Malanta to have such child in her possession or under her control, for while the said Antonia at first declared that Jimaya was her daughter the subsequent conversation clearly demonstrated that such was not the fact and that such was well known and understood by the said accused.

This contract for the transfer was consummated the following morning, and the money was paid by the accused to Antonia and the child was delivered to the accused and his sister at their house in said pueblo of Solano.

The child, Jimaya, had been forcibly taken from the possession of her grandmother, Oltagon, in the rancheria of Anao by one Buyag, an Igorrote of said rancheria, and against the will and protest of both the child and her grandmother, who, in the absence of the parents of said child, was then exercising a lawful and proper guardianship of the said child, and when so taken and abducted was delivered to Eusebio, brother of Antonia, and by said Buyag and Eusebio delivered to said Antonia for sale. Buyag, a prisoner in jail here for said offense, was produced as a witness by the accused and testified that the child's father was dead and that the child was taken from the possession of Duddull, the child's mother, from whom he, in company with another Igorrote, bought the child in payment of the debts of the deceased father. This claim is not established by the evidence and is inconsistent with the other evidence, which establishes the fact that the child, Jimaya, was an orphan and when abducted and seized by Buyag was and had been for a considerable time in the house and under the control of the maternal grandmother, Oltagon, and against whom as well as the child force and threats were used at the time of the abduction and seizure as hereinbefore found and set forth.

This feature of the seizure and abduction, the parentage of the child, and the alleged sale as advanced by the accused on his trial in this court, it is clearly shown, were matters of subsequent information, and that he made no inquiries from the woman, Antonia, to ascertain whether the parents were living or the circumstances or conditions under which the child came into her possession or was held by her for sale. The child was held in his possession in Solano, and in a day or two thereafter, upon a false and untrue statement to the child that he was going to take her back to her rancheria, he did as a matter of fact take the child weeping and crying and with such degree of force as was sufficient to intimidate said child and against her will carried her on horseback, accompanied by his sister, to his residence in Cauayan, in the Province of Isabela, and with the object and purpose of selling the child there into human slavery, which object and purpose was effected within two or three days to one Mariano Lopez, where the child was used and employed in the manufacture of cigars, being beaten and intimidated by the wife of the said Mariano Lopez, and from whence she was rescued and returned to Nueva Vizcaya by the constabulary of said Province.

However much may be said in extenuation of the alleged custom among the ignorant Igorrotes of seizing and abducting children for sale as even of the voluntary sale by Igorrotes of their children, there is nothing in all this to palliate or extenuate the conduct of the accused in this case.

The Congress of the United States has declared that human slavery shall not exist in these islands, and while no law, so far as I can discover, has yet been passed either defining slavery in these islands or affixing a punishment for those who engage in this inhuman practice as dealers, buyers, sellers, or derivors, the facts established in this case show conclusively that the child, Jimaya, was by the defendant forcibly and by fraud, deceit, and threats unlawfully deprived of her liberty, and that his object and purpose was an unlawful and illegal one, to wit, the sale of the child for money into human slavery. This constitutes the crime of *detención ilegal* defined and penalized by article 481

of the Penal Code, and this court finds the defendant guilty as charged in the information.

There are neither extenuating nor aggravating circumstances found in the case.

The court therefore sentences the accused, Tomás Cabanag, to eight years and one day of *prisión mayor* and to pay the costs of this instance with the accessories of the law.

Done in open court at Bayombong, in the Province of Nueva Vizcaya, P. I., this 16th day of January, 1906.

CHARLES H. BURRITT,  
Judge, Mountain Judicial District.

Decision of the Supreme Court of the Philippine Islands in the Tomás Cabanag case.

[No. 3241. Mar. 16, 1907.]

The United States, plaintiff and appellee, v. Tomás Cabanag, defendant and appellant.

1. Illegal detention: The crime of illegal detention implies actual confinement or restraint of the person.

2. Coercion: Violence through force or intimidation is a necessary element of the crime of *coacción*.

3. Minors: The mere custody and disposal by a stranger of a minor over 7 years of age, with or without the consent of the parent or guardian, is not in itself a crime.

4. Slavery: The practice of certain tribes of the Igorrotes, so far as proved in this case, termed by them the buying and selling of children, does not necessarily constitute slavery or involuntary servitude. There is at present no law punishing slaveholding as a crime.

5. *Id.*: Involuntary servitude: Constitutional provisions: The constitutional provision of the Philippine bill that "neither slavery nor involuntary servitude . . . shall exist in these islands," while operating to nullify any agreement in contravention of it, requires supplementary legislation to give it effect criminally.

Appeal from a judgment of the court of first instance of Nueva Vizcaya.

The facts are stated in the opinion of the court.

J. F. Boomer for appellant.

Attorney General Araneta for appellee.

Tracey, J.: The accused, an Igorrote, was convicted in the court of first instance of Nueva Vizcaya of the crime of unlawful detention, under article 481 of the Penal Code, which punishes "any private person who shall lock up or detain another or in any way deprive him of his liberty."

An Igorrote orphan girl called Gamaya, 13 years of age, was taken from the possession of her grandmother, Oltagon, in the rancheria of Anao, in the Province of Nueva Vizcaya, by one Buyag, also an Igorrote; whether this was done with or against the will of the grandmother is not altogether clear in the evidence. We accept the version least favorable to the accused—that of the child—who testified that in the daytime Buyag came to the house and took her away, although the grandmother objected, saying, "Do not take off that little girl," but not speaking when she went away. The man brought her to his house, about a half mile distant, where she was not confined, but, on the contrary, was allowed to go back alone to her grandmother, with whom she would spend a little while, returning the same day. She testified that, on last leaving, the grandmother was angry and did not wish her to go, but did not prevent her. According to her recollection she remained with Buyag, in the vicinity of her grandmother's residence, some two or three months.

Buyag testified that more than two years before, in order to help the family after the father's death and for the purpose of keeping the child at home, he had bought her for 3 pigs, 25 hens, 2 measures of rice, and a cloak, worth 2 pigs, from her mother, with whom she remained until the third year, when (her mother presumably having died) she was brought away by one Eusebio, at the instance of himself and another Igorrote named Yag Yag, who had furnished part of the purchase price. Together they instructed Eusebio to sell her for a carabao and ₱50. Eusebio, together with his sister, Antonia, brought her to Quilangan, in the Province of Nueva Vizcaya, and sold her to the accused, Tomás Cabanag, for ₱100.

In respect to this last sale, the stories of Tomás, Antonia, and the girl substantially agree. Cabanag had previously been instructed to buy a girl by one Mariano Lopez, of Cauayan, to whom, after a few days, Gamaya was delivered in return for the price, which appears to have been ₱200. In his hands she remained for about two months, until she was taken away by an officer of constabulary. Afterwards this prosecution was instituted. Although Gamaya made objection to leaving the house of Cabanag, she appears to have gone without actual constraint, and at no time in any of these places was she physically restrained of her liberty; she was not under lock or key or guard, went into the street to play, returned at will, and was not punished or ill used in any way, but was employed about the household tasks; in short, she appears to have been treated by Mariano Lopez as a household servant and to have been well cared for while in the custody of the accused.

It is proved in the case that it is an Igorrote custom to dispose of children to pay the debts of their fathers, the transaction in the native language being termed a sale, and the defendant appears to have engaged in the business of buying in Nueva Vizcaya children to sell in the lowlands of Isabela.

In his sentence the judge below said:

"However much may be said in extenuation of the alleged custom among the ignorant Igorrotes of seizing and abducting children for sale and even in selling their own children voluntarily, there is nothing in all this to palliate or extenuate the conduct of the accused in this case."

"The Congress of the United States has declared that human slavery shall not exist in these islands, and while no law, so far as I can discover, has yet been passed either defining slavery in these islands or fixing a punishment for those who engage in this inhuman practice as dealers, buyers, sellers, or derivors, the facts established in this case show conclusively that the child Gamaya was by the defendant forcibly and by fraud, deceit, and threats unlawfully deprived of her liberty, and that his object and purpose was an unlawful and illegal one, to wit, the sale of the child for money into human slavery. This constitutes the crime of *detención ilegal*, defined and penalized by article 481 of the Penal Code, and this court finds the defendant guilty as charged in the information."

"There are neither extenuating nor aggravating circumstances found in the case."

"The court therefore sentences the accused, Tomás Cabanag, to eight years and one day of *prisión mayor* and to pay the costs of this instance with the accessories of the law."

This sentence can not be sustained. There can be no unlawful detention under article 481 of the Penal Code without confinement or restraint of person, such as did not exist in the present case. (U. S. v. Herrera, Mar. 28, 1904, 3 Phil. Rep., 515.)

Under the complaint for this crime it is possible to convict for coacción upon proof of the requisites of that offense (U. S. v. Quevengco, 2 Phil. Rep., 412), but among those requisites is that of violence through force or intimidation, even under the liberal rule of our jurisprudence (U. S. v. Quevengco, supra; U. S. v. Vega, 2 Phil. Rep., 167; U. S. v. Ventosa, 6 Phil. Rep., 385, 4 Off. Gaz., 573); consequently the charge of coacción against the accused can not be sustained upon the evidence.

The Penal Code, chapters 2 and 3, title 12, articles 484 to 490, provides punishment for those who carry off children under 7 years of age or those who devote children under 16 years of age to certain hazardous occupations; but none of these articles can apply to the case before us, except article 486, which punishes him who induces a child over 7 years of age to abandon the house of its parent or guardian. Under this article it is possible that, on full proof of the facts, Buyag might be held, but not the accused. It was not the design of the law to prevent parents or grandparents from devoting their children to customary work, nor from receiving compensation for such work in wages or otherwise. Such agreements binding out minors are sanctioned in most countries, usually, however, subject to stipulations for their welfare expressly prescribed by statute. In the absence of proof of what the agreement of the parties or the custom of the people called for in respect of the use, treatment, and care of the child, the term of her service, and her final disposition, and particularly in respect of the maintenance of her relations with her grandmother and the prospect of an ultimate return to her, it is not possible to hold that the arrangement was a criminal or even an illicit one. The name applied to it by the custom of the Igorrotes is not enough to establish that in truth and in effect it was a sale or anything more than a contract for services. While there is much in this practice to condemn, we do not feel it to be our province to strain the law in order to bring this local custom of this mountain people to an end. This condition may present matter for the consideration of the legislature, but not for action by the criminal courts. Not even the abhorrent species of traffic apparently carried on by the accused justifies a sentence not authorized by law.

The judge below quotes the bill of rights of the Philippines contained in the act of Congress of July 1, 1902, declaring that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands." This constitutional provision is self-acting whenever the nature of a case permits, and any law or contract providing for the servitude of a person against his will is forbidden and is void. For two obvious reasons, however, it fails to reach the facts before us:

First, The employment or custody of a minor with the consent or sufferance of the parents or guardian, although against the child's own will, can not be considered involuntary servitude.

Second, We are dealing not with a civil remedy but with a criminal charge, in relation to which the bill of rights defines no crime and provides no punishment. Its effects can not be carried into the realm of criminal law without an act of the legislature.

It is not unnatural that existing penal laws furnish no punishment for involuntary servitude as a specific crime. In the kingdoms of the Spanish Peninsula, even in remote times, slavery appears to have taken but a surface root and to have been speedily cast out, the institution not having been known therein for centuries. It is only in relation to Spain's possessions in the American Indies that we find regulations in respect to slavery. In general, they do not apply in their terms to the Philippine Islands, where the ownership of man by his fellow man, wherever it existed, steadily disappeared as Christianity advanced. Among the savage tribes in remote parts such customs as flourished were not the subject of legislation, but were left to be dealt with by religious and civilizing influences. Such of the Spanish laws as touched the subject were ever humane and radical. In defining slavery, law 1, title 21, of the fourth Partida calls it "a thing against the law of nature"; and rule 2, title 34, of the seventh Partida says: "It is a thing which all men naturally abhor." These were the sentiments of the thirteenth century.

To sum up this case, there is no proof of slavery or even of involuntary servitude, inasmuch as it has not been clearly shown that the child has been disposed of against the will of her grandmother or has been taken altogether out of her control. If the facts in this respect be interpreted otherwise, there is no law applicable here, either of the United States or of the archipelago, punishing slavery as a crime. The child was not physically confined or restrained so as to sustain a conviction for illegal detention, nor are the acts of the accused brought within any of the provisions of the law for the punishment of offenses against minors; consequently the conviction in this case must be reversed, in accordance with the recommendation of the attorney general, with costs de oficio, and the prisoner is acquitted.

After the expiration of 10 days let judgment be entered in accordance herewith, and 10 days thereafter let the case be remanded to the court from whence it came for proper action. So ordered.

Arellano, C. J., Torres, Mapa, Carson, and Willard, J. J., concur.  
Defendant acquitted.

#### ADDITIONAL CASES OF SLAVERY IN ZAMBALES.

[Reported by the Philippine Constabulary.]

Mr. Manuel Millares, San Marcelino, Zambales. One Negrito girl, 10 years of age, named Valeriana. Bought by Mr. Millares from a Negrito father named Eslao, of Mabayo, sitio near San Marcelino, for 30 manojos (bundles) of palay (unhusked rice) per annum. Eslao owes Mr. Millares P10, debt contracted two years ago. This debt is not canceled by the payment in palay. The girl has been in the possession of Mr. Millares for three months.

Miss Aureau Magsaysay, San Marcelino, Zambales. Two Negrito girls, of 10 and 12 years, named Donata and Mariana, respectively. Bought by Miss Magsaysay in 1908 from their uncle, named Mariano Eacsamana, of Maguiling, sitio of San Marcelino, for rice and clothes for the uncle; amount could not be learned, but the Negrito has received them three times since delivering the children. No money appears to have entered into the transaction.

Carmen Magsaysay, San Antonio, Zambales. One Negrito girl named Rosalina, about 10 years of age. Receives clothes and food in return for services as servant. No parents. Aunt and uncle, named Niquiroc and Sucuban, live in sitio of Marasa, near Botolan, and receive clothes and food when visiting at the house of Carmen Magsaysay.

Mrs. Magdalena de Guzman, Castillejos, Zambales. One Negrito boy of 8 years, named Antonio de Guzman. Bought by Mrs. de Guzman

from uncle of boy, Pampalacuan, of Santa Fe, Marcelino, for P5 and 5 yards of cloth in 1908. Uncle owed P5 to Mrs. de Guzman since 1902 and settled the account by receiving the cloth. When the uncle visits Mrs. de Guzman, he receives food. Boy has no parents.

Mrs. Carlota Perez, Pailuag, Zambales. One Negrito boy, named Hugo, aged 16. Bought from the boy's aunt, named Petra, by Mr. Patricio Lesaca, now of Botolan, Zambales, for P100, about eight years ago; Mr. Lesaca first paid to the aunt P35 and subsequently, at different intervals, cloth amounting to P65. About two years have elapsed since the last cloth was given to the aunt. Mrs. Perez states that she believes Mr. Lesaca will give the Negrito woman more cloth, if she requests it. The boy has no parents.

#### ADDITIONAL CASES OF SLAVERY IN THE PROVINCE OF TARLAC.

[Reported by a Filipino Constabulary officer. Note the constantly reiterated claim that these Negritos were given to their owners, baptized, and adopted, or treated as members of the family.]

Tomas Sival, a boy of 5 years. He was presented by his parents in 1912 to Agatan Sival, of Bamban, Tarlac, who had him baptized. He is cared for as an adopted son of Señor Sival, and receives no wage.

Maria, a girl of 8 years. She was presented by her mother, Roberta, and her stepfather, Dumpil, Negritos of the sitio of Mapical, to Leon Sival, of Bamban, Tarlac, in 1907. She is treated as a member of the family and receives no wage.

Maria, a woman of 52 years. Her parents died when she was but a little girl and she was taken care of by a Christian family. In 1896 she entered the service of Catalino Cristobal, of Bamban, Tarlac, to work for her food and clothes. She receives no salary.

Magdalena David, a girl of about 7 years. She was given by her parents to Petronila David, of Bamban, Tarlac, who adopted her as a daughter. She receives no wage.

Lucia de la Cruz, a girl of 15 years. In 1900 her grandfather gave her to Angela de la Cruz, of Bamban, Tarlac, to be adopted. She is furnished food and clothes but no wage. She is godchild of Angela de la Cruz.

Angela Sival, a girl of 13 years. She was presented in 1911 by her parents, names unknown, to Agatan Sival. She is fed and clothed, but receives no wage.

Tuning, a woman of 50 years. She has lived since 1898 with Paulino Vergara, of Bamban, Tarlac, to whom she was sold for P25 by one Angelo Megia. She is given her food and clothes and some money occasionally, but receives no regular wage.

Jose, boy, age 7 years. His parents died and his sister, Maria Sival, brought him to the house of Leon Sival at Bamban, Tarlac. He is taken care of by Leon Sival. He is too young to work for wages.

Amado David, a boy of 6 years. He was presented in 1911 by one Ancelma Austria, to Geronimo David, both of O'Donnell, Capas, Tarlac, who had him baptized and adopted him. Does not receive regular wage, but he is fed and clothed. No parents or relatives.

Tali, a girl of 15 years of age. She was presented in 1908 by her mother to Pascual Yanson, of O'Donnell, Capas, Tarlac, to be adopted. She receives no regular wage, but food and clothes only.

Pedro David, a man of 28 years. He was presented in 1890 by his father, Francisco, to Catalino Miranda, of O'Donnell, Capas, Tarlac, to be adopted and was baptized. He is fed and clothed as a member of the family, but receives no wage. He has no parents or relatives.

Geraldo David, a man of 25 years. He was presented in 1890 by his father, Francisco, to Catalino Miranda, of O'Donnell, Capas, Tarlac, to be adopted and was baptized. He is fed and clothed as a member of the family, but receives no wage. He has no parents or relatives.

Margarita, a woman of 20 years. Her parents died when she was a little girl and she was brought up by Filipino families. She entered in the service of Saturnino Lomboy, of Bamban, Tarlac, in 1905, as servant. She is fed and given her clothes, but receives no regular wage.

Alberto San Miguel, a boy of 6 years. He is godson of Alberto San Miguel, of Bamban, Tarlac, to whom he was presented by his father, Ruglo, and mother, Clara. In 1911 to be baptized and brought up. He is treated as a member of the family and receives no wage.

Diqui, a boy of 16 years. He was presented in 1901 by his uncle Mariano Salazar to one Flaviano, of Bamban, Tarlac, as servant, and receives his food and clothes, but no regular wage.

Enriqueta Miles, a girl of 6 years. She was given by her mother, Maxima, to Mr. Clarence Miles, of Capas, Tarlac, who had her baptized, giving her his name. She is an adopted daughter and receives no wage.

Catalino Pascual, a Negrita girl of 10 years. She was presented in 1908 by her mother to Isabel de Pascual, of O'Donnell, Capas, Tarlac, to be cared for, and was baptized. Receives food and clothing, but no wages.

Urullo, a boy of 12 years. He was given in 1910 by his mother, Magdalena, to Vicente Frias, teacher of Negrito school at Bueno, to study under him. He receives regular wage of 1 oyon of palay per year.

Alejandro Miranda, a man of 34 years. He was bought in 1882 from unknown Negritos of Pinatubu Mountains by Catalino Miranda for P30 and was baptized. He receives no regular wage, but gets food and clothing.

Balundoy, a boy of 16 years of age. He was given in 1910 by his father to Juan Supan, of O'Donnell, Capas, Tarlac, as a servant, and receives regular wages of P9 per year.

Margarita, a Negrita girl of 15 years. She was presented in March of 1903 by her mother, Romana, to Protacio Santos, of Camiling, Tarlac. She receives P1 per month.

Taran, a man of 30 years. He was presented in 1885 by his cousin, Emeterio Galang, to Pedro Nuega, of Moriones, Tarlac, to be adopted. He is a servant and when able to farm was made a tenant. His wage as a servant was 10 capungos of palay per year, and when made a tenant his regular wage is 2 oyones, about P24 worth, of palay per year.

Milio, a boy of 8 years. He was presented in 1911 by his mother to Gregorio Tabun, of Moriones, Tarlac, to be adopted and used as a servant. He receives no regular wage, but is fed and clothed.

Petronila, a woman of 35 years. She was found in 1881 loitering near Sula, Tarlac, by Francisco de los Santos, whom she followed and who gave her to Timoteo Suba, of Moriones, Tarlac, with whom she has lived ever since. She works as a servant and is given her food and clothing, but no regular wage.

#### ADDITIONAL CASES OF SLAVERY IN MANILA (SOME OF THESE NEGROS HAVE NOW OBVIOUSLY CEASED TO BE SLAVES.—D. C. W.).

[Reported by the chief of police.]

Luis Zarate, age 6 years, mestizo Negrito. It appears that his father is a Filipino and his mother a Negrita. According to the statement of his present employer, this Negrito was presented to her personally while the boy was yet 2 years old. The name of his present employer



is Margarita Guidote, 814 Interior, Calle San Miguel. It is suspected that this Negrito was bought, because of the fact that his employer did not wish to tell the name of the person who gave this boy to her. He receives no wages.

Constancio Sandico, alias Babilito Sandico, age 17 years, genuine Negrito, born in Patling, Tarlac. He has never known his parents. He was in the possession of one Eulalio de Guzman since childhood, and at the age of 3 years was turned over to one Francisco Sandico, 527 Calle Velasquez, with whom he is still living as cohecho. He receives no wages.

Manuel Guido, 22 years of age; genuine Negrito, born in Botolan, Zambales. He has never known his parents. Since childhood he was in the possession of one D. Benito Guido, of Botolan, Zambales, who then brought him to Manila at the age of 5 years. This Negrito was presented to the brother of his master, Justo Guido, with whom he is still living as one of the family. Residence, 915 Calle Singalong. He is now a tobacco worker in the Germinal Factory, receives wages, and has ceased to be a slave.

Dorotea Sibog, a Negrita woman 22 years of age; born in Florida-blanca, Pampanga. She has never known her parents. At the age of 6 years she was brought to Manila by an insurgent officer and presented to one Benedicto Nledao, 175 Calle Lipa, Sampaloc, with whom she is still living as a servant without pay.

Angela Vega, a Negrita mestiza, 26 years of age, her father being a Negrito and her mother a Visayan. She was born in Albay, where her mother still lives. Her mother told her that a "captain de guardia civil" took her from her mother. She was presented to a Spaniard named Ventura Vega, in Albay. When her master came to Manila he took her with him. She stayed with him until five months prior to the date when she was interviewed, at which time she left him to look for another job with wages.

Casimira Puno, a Negrita woman, 22 years of age. She was born in Palma, Pampanga. She has never known her parents. From the age of 3 to 15 she lived with Eugenio Puno, and then ran away because of ill treatment. She came to Manila alone to seek employment. She worked for one Quicay for four months, then for Luis Zamora for a year. She now lives with Ciriaza Basa as a servant without pay at 305 Calle Peñalosa.

Carman Toledo, a Negrita woman 30 years of age; born in Florida-blanca, Pampanga. She came to Manila at the age of 6 years in company with her former "employer," Eulalia Toledo. She now lives with one Elvira Wolfert as a servant at 302 Calle Lorenzo Chanco, Tondo, Manila. She receives no wages. Mrs. Wolfert took her from a charitable institution.

Vicente Gutierrez, a Negrito man 30 years of age. He has never known who or where his parents or relatives are. At the age of 7 or 8 years he came to Manila in company with a Spaniard. He is at present living with one Mr. Hanna, as a coachman, at 1353 Calle Anloague. He receives no wages, but gets board, lodging, and clothing.

Eusebia Marcelo, a Negrita mestiza girl 14 years of age. She was born in Romblon, Tablas Island, her father being a Negrito and her mother a Visayan. With the consent of her parents she was taken to Manila when 10 years of age by her "employer," Marcelo Lopez, with whom she still lives as a servant at 239 Calle Cabildo, Intramuros, Manila. She receives board, lodging, and clothing but no wages.

#### ADDITIONAL CASES OF THE ENSLAVING OF IFUGAOS.

[Reported by Lieut. Gov. Jeff D. Gallman.]

About (Ifugaos can give only approximate dates) 1899 a woman 20 years of age, from Mampolla, named Manay, who had been turned over to Bacngango in settlement of a debt, was sold to people of Jochong, Ifugao, for P80.

About 1899 a woman called Gayang, of Jigyon, 20 years of age, was purchased by one Bandao of the same rancheria and was sold in Nueva Vizcaya to an unknown Christian for 3 carabaos.

About 1898 a woman of Bambang called Cuyapli, some 18 years of age, was sold to Don Jacinto Logan, of Solano, Nueva Vizcaya, for P100. She continued as Don Jacinto's slave until her death.

About 1899 a 15-year-old girl called Dinaon, of Lingay, Ifugao, was sold to Dalmacio Fernandez, of Pangasinan, who then lived at Solano, Nueva Vizcaya, for P100.

About 1900 a 16-year-old girl named Imbayá, of Cayapa, Lingay, Ifugao, was sold by Mangognope, of Jalong, Lingay, to Maynayo, of Mayoyao, for P8. The latter turned her over to Mangilit, of Bunjan, who took her to Isabela and sold her for P80. The girl later escaped from her Christian master and now lives in Damag, Ifugao.

In 1899 a girl called Tayaban, 15 years of age, of Dangtalan, Ifugao, was carried by one Pumijic to Dinangan, Mayoyao, Ifugao, for sale. A man named Baynan took her to Isabela and sold her for P100.

About 1899 Camjit, of Ajin, Ifugao, sold a woman of some 28 years of age to Tayaban, of Curog, Ifugao, for P30. The latter resold her to an unknown Christian of Nueva Vizcaya for two carabaos.

About 1900 Don Sebastian Panganiban, of Solano, Nueva Vizcaya, bought from Balog, of Piuong, Ifugao, a 16-year-old girl named Indungdung for P100.

About 1902 Licco, of Curog, took a 15 or 16 year old girl named Oltagon to Isabela and there sold her to an unknown Christian for P80. He had paid P40 for her. His companion on the trip to Isabela was Liangna, of Bonuitan, Ifugao.

About 1899 a woman named Intanap was sold by Dunnuan, of Cabulo, Magzoc, Ifugao, to Buyao for P8. The latter took her to Pingad, Lepanto, and there sold her for P80.

About 1903 a 10-year-old girl named Uyame was sold by Gamboc, of Panike, Japao, Ifugao, to a man in Mayoyao for P80.

About 1900 a boy named Muntamoc, of Boco, Japao, Ifugao, was in the power of Gulji of Japao, as a slave. He was about 14 years of age. Gulji sold him to Aliguon of Banguan, Ajin District, for P60. The latter sold him to Lupal, of Pindungan, Kiangnan, for a carabao, and the latter took him to Isabela and there sold him for P80.

About 1903, one Pugal-la, a boy of about 17 years of age, of Dalligan, Lingay, Ifugao, was sold in Isabela by Malingan for two carabaos. A man named Bayao was the companion of Malingan on the trip to sell this boy.

About 1899 a 25-year-old woman named Bugan, of Cababuyan, was captured by Buyagan and was kept at his house as a slave until the relatives of the woman paid P80 for her release.

About 1900 one Pumijic, of the rancheria of Jicot, was captured by Bin-nul-jik, of Dalligan, Lingay, Ifugao, who brought the boy, who was about 10 years of age, to Pindungan, Kiangnan, and turned him over to one Gu-na-lut, who took him to Isabela and sold him to Christians for P80.

About 1900 a woman called Indungdung, of Namulditan, Ifugao, some 22 years of age, was purchased for P60 by Bayung-Abung, of the same

rancheria, and turned over to Bulajac, who intended to sell her but was unable to find a purchaser.

About 1900 Inuyao, a boy of Naballilan, Namulditan, Ifugao, the son of Indongdeng, was purchased by Bayungabung and Ngayajan for P40. He was taken to Banaao, Ifugao, and there sold to Silipan Ifugaos for P50.

About 1899 a 25-year-old man named Imbangao, of Bangtinnon, Curog, was bought by Guim-Mal, of Mampolla, Ifugao, for P50, and was resold later in Mayoyao, Ifugao, for P80.

About 1900 a 10-year-old boy, Ajuday, of Cababuyan, Ifugao, was purchased by Balinon for P30 and resold to Umunlad, of Cutug, Bayombong, Nueva Vizcaya, for P100. The latter then sold the boy to Christians of Isabela.

About 1890 a boy of Anao, Ifugao, some 10 years of age, was purchased by Catongyan, of the same place, for P30 and later sold to a Christian of Solano, Nueva Vizcaya, for P60.

About 1899 an 8-year-old girl named Intanap, daughter of Kiladan, of Nungulan, was purchased by Cabecilla Daciljon, of Japao, Ifugao, for four hogs, a little palay, some chickens, and some bubud (a fermented drink made from rice.—D. C. W.). This man kept the child in his possession for some months, then sold her to one De los Santos, of Solano, Nueva Vizcaya, for P120. She was taken to Solano by Bunol, of Paniki, Japao, Ifugao. Bunol negotiated the sale and received P10 for his trouble.

About 1898 a 7-year-old girl called Bugan, of Tabag, Japao, Ifugao, daughter of Bayangog, of the same place, was bought by Daciljon and Bunadon, of Duyung, Japao, for four hogs, some chickens, and a few unimportant articles. Bunol, of Paniki, Japao, Ifugao, took the contract to sell the child to Christians of Nueva Vizcaya. With a companion named Wilan, he took the child to Bagabag and sold her to Don Domingo Busa for P120. The two agents received P10 each for their trouble, and P100 was turned over to Daciljon and Bunadon, who divided the money equally.

About 1899 an 8-year-old boy named Batangog, son of Cobagob, of Lubung, Banaue, was bought by Nabokiag, of Paniki, Japao District, for four hogs and a number of chickens. Two agents named Bunol and Ananay brought the child to Kiangnan and sold him to Patual, of Pindungan, for P100, receiving P10 each for their trouble.

About 1898 a small boy named Pidlo, of Dayandi, Japao District, was sold by his own father to Yagyag, a wealthy man of Japao District. When the boy had reached the age of about 9 years he was sent to Loo, Benguet, where he was sold for four carabaos. Yagyag paid the father of the boy four hogs, some palay, and a few chickens.

About 1899 a boy named Baguluan, of Dayandi, Japao, was sold by his father, Yuya, to Duyapat, of Japao, for four hogs, some chickens, palay, and a few jars of bubud. The boy was taken to Loo, Benguet, by Angayan and Pugnunon, of Japao District, and sold there for four carabaos.

About 1899 a 9-year-old boy named Kimmuliap, son of Nangili, of Dayandi, Japao, was sold by his father to Acol of the same rancheria for four hogs, some chickens, palay, and bubud. The boy was later taken to Cervantes by Jabbling, of Japao, and there sold to a Filipino of Kabayan, or Bagulo, for 2 Igorot blankets, 2 bubud jars, and a small amount of cloth.

A boy called Capulging, about 9 years old, of Dayandi, Japao District, was sold by his father to Atolba for some palay, bubud, etc. Later Atolba sold the boy to one Pio, of Baguinge, Kiangnan, for a Remington rifle and 10 cartridges. Pio resold the child to a Christian of Nueva Vizcaya.

About 1898, one Nganjena, a boy about 12 years old, son of Ingulon, of Japao District, was stolen by Mundigun, of Bucayan, Japao District, and sold to Joggang, of Pindungan, Kiangnan, for P60. He was later sold to Filipinos in Isabela for P100.

About 1898 an 11-year-old boy named Bumangjat, son of Napaduan, of Tabag, Japao, was sold by his father to Bunol, of Paniki, Japao, for four hogs, some chickens, etc. Bunol later sold the boy in Mayoyao for four carabaos.

About 1900 Dango, a boy of some 14 years, son of Jodayan, of Obnag, was purchased by Tagulling, of Cababuyan, for P60, and sold to Antonio and Guinalut, of Piuong, for the same sum. The boy was later again sold to a Filipino of Isabela Province.

During 1899 a boy called Batangol, of Cambulo, Ifugao, was taken to Isabela by Binot, of Mayoyao, and Ganachan, of Dammag, and there sold to a Christian Filipino for P100.

During 1899 a small girl called Dulimay, of Cambulo, was sold by Binot, of Mayoyao, to a Christian of Aj-jinda, Isabela, for P100.

About 1899 a 12 or 13 year old girl of Cababuyan named Intugay was sold by Balogan and Ngongoy, of Cababuyan, to Layangan, of Mayoyao, for P80. The latter intended to take the child to Isabela and sell her to Filipinos, but was prevented by the death of the child.

#### ADDITIONAL CASES OF SLAVERY IN IFUGAO.

[Reported by Lieut. W. E. Dosser, Philippine Constabulary.]

PHILIPPINE CONSTABULARY,  
CONSTABULARY OF MOUNTAIN PROVINCE, FIFTH COMPANY,  
Mayoyao, Mountain Province, April 6, 1910.

The ADJUTANT,

District of Northern Luzon, San Fernando, Itona.

SIR: In reply to communication No. 4027-I, dated March 15, 1910, I have the honor to submit the following report of slave dealing known to me:

All the information obtainable regarding this subject was taken down at the time complaint was made. Cabecilla Eyabon, of Mayoyao, who has had more to do with these dealings than anyone else known to the undersigned, was called up, but nothing more than was already known could be obtained, with the exception of the name of one man in Echague, who is known to be, or has been, a slave dealer.

When these sales were made no questions were asked regarding the name of the buyer, as it was quite immaterial to the Ifugao what the man's name was so long as he received the money.

The only reason these slave-dealing complaints come in is due to the fact that the man who makes the deal usually fails to come up to the contract made with the owner of the person sold.

No settlements on slave dealings have ever been forced at this station; the only action taken has been to get all the information possible regarding the deal, but only in one instance has the undersigned been able to get the name of the buyer, and this has always been one of the principal questions.

None of these deals have ever been made for any specified period of time, but for all time.

The following are the cases known to the undersigned: About the year 1904 Duagna, cabecilla, of Tuled, Mountain Province, brought to Mayoyao a man named In-ma-tan, whom he wanted to sell

in Echague. The man was turned over to Cabecilla Eyabon. He was taken to Echague and sold for ₱65, ₱5 of which went to Eyabon as payment for making the deal; the balance, ₱60, went to Duagna.

About the year 1895 Wang-ag, of Malop-pop, Banaue District, Mountain Province, brought to Mayoyao a woman named Bal-o-wag. Eyabon purchased the woman for ₱70. She was taken to Echague to sell, but on account of her age Eyabon was able to procure only ₱70 for her. The woman is now dead.

About the year 1906 Eyabon received from a man (name unknown) of Ca-na-cin, Banaue District, a small boy named Binniajan, for whom he paid ₱70. The boy was taken to Echague and sold for ₱100. The boy is now dead.

About the year 1897, A-ta-ban, of Tuleed, Mountain Province, brought to Mayoyao a man named Cha-log, whom Eyabon purchased for ₱60. This man was taken to Echague and sold to Antonio Mangadan for the sum of ₱70.

About the year 1897 A-ta-ban, of Tuleed, Mountain Province, brought of In-hu-mang, of Ca-na-cin, Banaue District, a small boy, for whom he was to pay ₱70. Thirty pesos was paid down, but Bango died before the balance was paid. The boy was taken to Echague to sell, but died before the sale was made. In-hu-mang also died shortly after this.

About the year 1906 Duagna, cabecilla, of Tuleed, Mountain Province, proposed marriage to a girl who had emigrated from Cambullo, Mountain Province, to Tuleed, with a relative. The girl was willing, but as soon as Duagna got her in his possession, instead of marrying her, he took her to Echague and sold her to the Christians.

No recent sales have been transacted, at least not to the knowledge of the undersigned. In case there has been a recent deal, it is only a question of a short time until it will be known.

Very respectfully,

W. E. DOSSER,  
Commanding Company.

Mr. GARRETT of Tennessee rose.

The CHAIRMAN (Mr. McKellar). The Chair would like to inquire what the provision is as to the remaining 10 minutes.

Mr. JONES. There is no agreement; it is in the hands of the Chair.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to try and get through in two minutes. I wish to say that the statements touching the matter of slavery existing in the Philippine Islands did not originate in 1913. I came first to the Fifty-ninth Congress. I had only been here a few weeks when what is known as the Philippine tariff bill came before the House. The "Taft party" had but recently returned from the Philippine Islands. The gentleman from Connecticut, Mr. Hill, in his place in the House, making a speech on the Philippine tariff bill, stated explicitly and plainly that there was slavery existing in a small territory of the Philippine Islands and that it had been found impossible to prevent it. There was then some talking to task of the party to which the gentleman from Ohio belongs because it had failed to stop it; but that is not what I rose to speak about.

I want to call attention to the legal question involved. Lines 22, 23, and 24 of this bill, page 4, read as follows:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

That is the exact language of the thirteenth amendment of the Constitution of the United States. That has been passed upon by the Supreme Court of the United States, and the Supreme Court held this:

Peonage is a status or condition of compulsory service based upon the indebtedness of the peon to the master. The service is enforced unless the debt be paid, and however created it is involuntary servitude within the prohibition of the thirteenth amendment to the Federal Constitution.

While the ordinary relations of individuals to individuals are subject to the control of the States and not to that of the General Government, the thirteenth amendment grants to Congress power to enforce the prohibition against involuntary servitude, including peonage, and to punish persons holding another in peonage; and sections 1990 and 5526, Revised Statutes, are valid legislation under such power and operate directly on every person violating their provisions whether in State or Territory and whether there be or not any municipal ordinance or State law sanctioning such holding.

In this opinion of Clyatt against the United States, reported in volume 197, decided at the October term, 1904, there is a quotation from Justice Bradley's opinion in the civil-rights case in the One hundred and ninth United States, page 320, as follows:

This amendment, as well as the fourteenth, is undoubtedly self-executing, without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery and established universal freedom.

Mr. FESS. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. FESS. We have no legislative enactment as to the fourteenth amendment. Is not the fourteenth amendment a dead letter with us without any legislative enactment?

Mr. GARRETT of Tennessee. I was not discussing the fourteenth amendment; I was discussing the thirteenth amendment.

Mr. FESS. But the gentleman's quotation mentioned the fourteenth amendment.

Mr. GARRETT of Tennessee. I simply was quoting from Justice Bradley's opinion.

Mr. MILLER rose.

Mr. JONES. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. Five minutes.

Mr. JONES. Mr. Chairman, I would like to close the discussion on this amendment myself. I will ask unanimous consent that the general time be extended five minutes, and that the gentleman from Minnesota may have five and I have five.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time be extended five minutes. Is there objection?

There was no objection.

Mr. CANTOR. Mr. Chairman, can we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 4, at the end of line 3, strike out the period and insert a comma and add the following: "or held in satisfaction of the same any involuntary servitude by his creditor."

Mr. MILLER. Mr. Chairman, without any disposition or intent to enter into a thorough discussion of slavery and peonage in the Philippine Islands, there are one or two things I would like to state to the committee. The first is that I appreciate the sensitiveness on the part of the Filipino people in facing the charge that slavery and peonage exist in the islands. However, I do not quite appreciate the extreme sensitiveness which they do unquestionably feel. There is peonage in the Philippine Islands, of course; there is slavery, as such purely, in some cases in the Philippine Islands. That is no charge against the general Filipino people. There is peonage in the United States to-day in a great many States, if we can believe the reports of the commission and if we can believe the evidence submitted in courts. That is no charge against the people of the United States.

Mr. QUEZON. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. QUEZON. Is not the gentleman's theory that it has been charged against the Filipino people at large, because the assembly did not pass this law, that they were therefore in favor of slavery?

Mr. MILLER. I do not know whether the members were for or against it; I have no way of knowing. The gentleman is advised and has made his statement. That may have been the accusation on the part of some, but certainly I never made it myself.

Mr. FESS. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. FESS. Is it not a fact that the statement was made by the commissioners that they did not pass the law because that would say that they recognized it?

Mr. QUEZON. I do not want to be misquoted, Mr. Chairman. Will the gentleman permit me?

Mr. MILLER. If the gentleman will make it brief, for my time is short.

Mr. QUEZON. They did not pass the law because they were told that there was already enough law in the Philippine Islands to punish slavery.

Mr. MILLER. Unquestionably the people of the South, and wherever the institution occurs in the United States, who are engaged in peonage are for it and against any law to prohibit it; but that is no accusation against the people generally.

Mr. BARTLETT. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. BARTLETT. The gentleman does a great injustice to the South when he makes that statement.

Mr. MILLER. If the gentleman will hear me through, I think he will find no fault. If there are any individuals engaged in the business, they are for it; but that is no indictment against the people of the United States, for they are against it.

The institution of slavery as such does exist in the islands, and I am not able to agree with my friend Mr. Quezon in that respect, although it must be said that where slavery as such exists it is extraordinarily rare in the Christian countries, in the well-settled regions. The whole Moro Nation is builded and founded upon the system of slavery. It is an integral part of their social and industrial life, against which we have been battling, and with some considerable success, from the time that we first started in. That battle is going on, and the institution will be eliminated. Slavery to-day exists in some of the semi-Christian regions contiguous to wild territory. For instance, until recently there has been a public and open and notorious traffic in the buying of Ifugao boys, taking them down into Nueva Vizcaya and absolutely selling them. The Filipino people do not indorse that, but the people who there are en-



gaged in the business do, and, of course, they have been endeavoring to prevent legislation to prohibit it. What is true there is true in many other localities, but please do not misunderstand me when I say that speaking of slavery as such it is restricted to these spots. Peonage does exist to quite a considerable extent throughout the islands, and it is to the entire credit of the Philippine Assembly and to the Filipino people that now they have enacted legislation to abolish it; but it must be borne in mind, Mr. Chairman, that while there has been a law prohibiting this, there has been no penalty; and the judges in the islands tell me—Filipino judges as well as American—that the law against slavery and peonage has been a dead letter practically in most cases because of a lack of penalty. That deficiency has since been corrected.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. JONES. Mr. Chairman, I am very sorry that this question of slavery and peonage in the Philippine Islands has been injected into this discussion. I can recall many years ago when gentlemen on this floor assailed President McKinley because he had approved what was called the Bates treaty, which recognized all the existing institutions of the Moros, including those of polygamy and slavery. I have heard President McKinley denounced here and elsewhere for having given his assent and approval to that treaty. From that time to the present the question of slavery in the Philippines has been more or less agitated, but the gentleman who has been quoted by the gentleman from Ohio [Mr. Fess], Mr. Worcester, has done more to inflame the public mind on this subject than all others put together, and I regret that the gentleman from Ohio should have quoted from the writings of one who has for years been engaged in active controversy over this subject with the War Department, the Philippine Assembly, the Filipino people, and all the rest of mankind who did not accept his contention that slavery was practiced in the civilized and Christianized portions of the Philippines, and that there were no adequate laws to prevent it. Mr. Worcester devotes much space to this subject in a book which he has recently published, a book which he wishes to be seriously accepted as a true history of the Philippine Islands and their people. In it he goes so far as to seriously reflect upon everybody who does not agree with him. It is impossible to read what the author of this book says upon the subject of slavery in the Philippines and escape the conviction that he is a biased and most prejudiced witness, and not the impartial historian he professes to be. It is from this book that the gentleman from Ohio has read, and he tells us that he shall insert more of the same stuff in the Record. The position which I take in regard to this proposed amendment is precisely that taken by my colleague [Mr. GARRETT of Tennessee]. I hold that slavery and peonage is now prohibited in the organic law of the islands, which is copied in this bill, and which reads as follows:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

This language covers the proposition embodied in the gentleman's amendment.

The Supreme Court of the United States has decided, too, that the thirteenth amendment is self-executing.

The gentleman did not read the decision of the Supreme Court of the Philippine Islands referred to by him. Judge Tracey, of New York, at that time a member of the Supreme Court of the Philippine Islands, wrote the opinion in that case. It was his opinion that the laws of the Philippines were entirely adequate to punish peonage and slavery. Nevertheless, as has been said, the Philippine Legislature at its last session passed additional and also more stringent legislation upon this subject. I have not the time to go into the history of the subject, but it is true, as the gentleman from the Philippine Islands [Mr. QUEZON] has said, that the Philippine Commission for seven long years was the sole legislative body in the Philippines and that Mr. Worcester was a member of it. It is also true that he held the portfolio of secretary of the interior, which department had jurisdiction and control over all the wild or uncivilized tribes. During all that period it would seem that he either did not discover that slavery existed in the islands or that, if he did, he took no steps, either as a legislator or as an executive officer, to suppress it. It was only after the legislature was created that Mr. Worcester proposed to enact laws to suppress slavery. The assembly declined to concur in the Worcester legislation, because its members were not willing to admit that the then existing laws were not wholly adequate. They had been held to be adequate, as I have stated, by the Supreme Court of the Philippines. It is true, as I have also stated, that the last legislature passed additional law upon this subject, but, as gentlemen

on that side of the aisle know, the threat was made at the other end of this Capitol Building that unless some such legislation were enacted the members of the Philippine Commission appointed by President Wilson would fail of confirmation. A Senator of the United States was authority for that statement, and so the legislature at its last session, although it did not concede that additional legislation was necessary in order for the courts to stamp out peonage and slavery, passed a measure upon the subject. And I may add that the members of the Philippine Assembly have always been as much opposed to human slavery as Mr. Worcester ever professed to be.

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. Fess].

The question was taken; and on a division (demanded by Mr. Fess) there were—yeas 19, nays 40.

So the amendment was rejected.

The Clerk read as follows:

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is this provision about accepting presents from foreign countries in the language of our Constitution?

Mr. GARRETT of Tennessee. Mr. Chairman, it is in the language of the present organic law of the Philippine Islands.

Mr. MANN. Very well.

The Clerk read as follows:

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to return to a paragraph to offer an amendment. I overlooked the reading of it.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to a paragraph which has been passed for the purpose of offering an amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the amendment?

Mr. MURRAY. Mr. Chairman, I will ask the Clerk to report it.

The Clerk read as follows:

Page 4, line 11, strike out the period after the word "enacted" and insert a semicolon and add the following: "nor shall the law of primogeniture ever be in force in the Philippines."

Mr. MANN. Mr. Chairman, if we return to that, how much debate will there be upon it?

Mr. JONES. So far as I am concerned, I have no objection to the amendment. I do not know that any other gentleman has.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to a paragraph which has been passed for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Chairman, I now offer the amendment which has been reported.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

That no person shall be imprisoned for debt.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I suppose one should not express surprise that the amendment which I offered awhile ago was not adopted, because evidently the committee does not want any modification of the bill. I express the regret, however, that at least that modification was not made. My good friend, the chairman of the committee, for whom I have a very high regard, has questioned the importance of the report made by Dean Worcester. I do not refer to the two-volume edition that he has written, but I refer to the official report he made on this particular question in the islands. I have gone over that report to ascertain who were cited as witnesses, and I am going to read those now. Those reports came from Army officers, constabulary officers, the chief of police of Manila, together with other officers, such as his deputies; also judges, Catholic priests, the mother superior of a convent, the insular auditor, and many of his deputies, provisional governors, both Filipino and American; provisional treasurers, the director of education in the islands, school-teachers, at least one ethnologist, newspaper men, business men, and women of standing, and so forth. Now, it seems to me if I were in the islands trying to get at these facts I could not go to any sources that would be more unprejudiced for information than these, and I think that the majority of the committee is too sensitive in reference to taking the facts from Dean Worcester. Evidently

he knows too much to be pleasant to those who are resisting these modifications that I think ought to be made.

Now, Mr. Chairman, again I want to say that the conflict that we will see on this legislation grows out of the fact that here is a body that gives a constitutional sanction for legislation and there is a body that acts if it wants to or refuses to act if it wants to, and that is inevitable by this legislation; and if we do not affix some enacting clause in what we do, it will be a dead letter unless the people over there see fit to do it. I called attention a moment ago to the fourteenth amendment; that because we refused to pass any law enacting the provisions of the amendment it is, as everybody knows, a perfectly dead letter and means nothing at all, and what is seen here in that relation will be seen in the Philippines, I fear. I think this bill is tending in the right direction. First, we had a military government over there with all the power in the military authorities. Then we created a civil commission and made it first all American and then partly American and finally Filipino, and now the commission has become entirely under the islands in the majority—I mean not entirely in personality, but in control by a Filipino commission. If this bill shall be carried, the commission will become an elective upper house. I am not sure but what it is just what ought to have been done. First, a military step, then a civil commission composed partly of Americans and partly of Filipinos, then a commission under the control of the Filipinos, then this commission ceasing to exist and becoming an elective senate. I think that is right, but here is what I call attention to: Are you not traveling more rapidly than conditions would warrant in the face of the situation that certainly is apparent? We tie our hands absolutely in getting what we think ought to be done over there. That is the only point I have brought out, and I do not want to interfere whatever with the legislation that is going on outside of the preamble. I am opposed to that; I am much opposed to it; but the other provisions of the bill, it seems to me, are very much justified if we do not go too fast, and I hope the chairman of the committee will not impugn my motives or impute to me motives of dissension when I call the attention of the House to these facts that I think the country ought to know about. I think the chairman feels—

Mr. JONES. If the gentleman will permit, I simply want to assure the gentleman that I certainly had no intention of impugning the gentleman's motives, and I disclaim any such idea.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I withdraw the pro forma amendment.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Before taking my seat I shall offer an amendment, by way of substitute, for the paragraph before us. This paragraph—lines 22, 23, and 24, page 4—is an exact copy of the thirteenth amendment to the Constitution of the United States, and presumably, therefore, I suppose is considered beyond criticism. And yet, with all respect for the distinguished men who drew the thirteenth amendment, I have always thought that it is very unfortunately worded and punctuated. That amendment to the Constitution was adopted to prohibit slavery in the United States. But the fact is that, as worded and punctuated, the thirteenth amendment does not prohibit slavery in the United States, but expressly authorizes it as a punishment for crime. That is a good deal to say, but it is plainly the truth. I invite attention to the language and punctuation of the thirteenth amendment as found in the House Manual:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Observe that the commas are after the words "servitude" and "convicted." As thus worded and punctuated, that amendment simply declares that neither slavery nor involuntary servitude shall exist except as a punishment for crime.

The paragraph—lines 22, 23, and 24, page 4—under consideration reads as follows:

That neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

Again observe the comma after "servitude" and after "convicted." The paragraph merely provides that neither slavery nor involuntary servitude shall exist in the islands, except as a punishment for crime, and that, of course, means that either slavery or involuntary servitude may exist there as a punishment for crime.

To carry out the clear intent of Congress the paragraph should be worded in this way:

That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

Mr. Chairman, I withdraw the pro forma amendment, and offer as a substitute the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of lines 22, 23, and 24, on page 4, and insert in lieu thereof the following:

"That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted."

Mr. TOWNER. Mr. Chairman, I desire to support the amendment. I ask the chairman and Members on that side if it would not be better and safer to accept the amendment than to retain the language of the bill?

As has been well said by the gentleman from Wisconsin [Mr. COOPER], the language taken from the United States Constitution is unfortunate to use in this particular case because of existing conditions in the islands. Under this provision as it now stands, there can be actual slavery inflicted as a punishment for crime. This we do not desire and should carefully guard against. We know that even in the United States we have had difficulty in managing the matter. In the islands thousands of the natives, as yet savage and uncivilized, live in close juxtaposition to those intelligent and fully civilized. It will be wise if we shall carefully guard against any temptation to make subject the weaker by the stronger race. It will be a great temptation. Why should we subject them to that temptation? Let us make clear what we desire to do, and that is to absolutely prohibit slavery under any circumstances and against any sort of involuntary servitude unless it shall be as a punishment for crime.

Mr. JONES. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNER. I yield.

Mr. JONES. The Constitution of the United States evidently makes no distinction between slavery and involuntary servitude. This proposed amendment does make a distinction. Now, I imagine this language has been construed by the courts many, many times. I would like to ask the gentleman who offered the amendment and the gentleman who is advocating it what he understands the difference to be between slavery and involuntary servitude?

Mr. TOWNER. There is a distinction, and I will say to the gentleman it has been expressly and distinctly drawn by the Supreme Court of the United States as well as by other courts. Slavery is, of course, involuntary servitude. But involuntary servitude is not always slavery. Restraint and compulsory labor as a punishment for crime is involuntary servitude. But such a condition is not slavery. In slavery the person held is the absolute property or chattel of another. Slavery is complete subjection. Involuntary servitude is usually limited. So there is a clear distinction, and that distinction ought to be drawn.

Mr. CLINE. May I ask the gentleman a question?

Mr. TOWNER. Certainly.

Mr. CLINE. Does not the distinction rise out of this difference, if I may use that term, that slavery assumes a title or ownership in the subject by the party owning the slave, while in involuntary servitude it is simply a pledge of the party held in servitude for the extinguishment of an obligation for a certain length of time?

Mr. TOWNER. I think the gentleman is hardly justified in that conception, if it is limited to the distinction stated. Such distinction undoubtedly exists, but it is not the only distinction, and it does not measure the extent of the distinction. Slavery is not at all dependent upon the question of the acquisition of title or the manner of acquiring control over the person. The fact of slavery depends upon the condition existing at the time of the inquiry, and is not dependent upon the manner of subjection, and there is a distinction between the condition that constitutes slavery and that which constitutes involuntary servitude.

Mr. JONES. Mr. Chairman, I do not know that I have any special objection to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

Mr. MURRAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.



The Clerk read as follows:

That H. R. 18459 be amended as follows:

On page 5, line 9, strike out the period, insert a semicolon, and add the following: "and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary or sectarian institution as such. Polygamous or plural marriages are forever prohibited."

Mr. MURRAY. Mr. Chairman, I would like to say what I am about to say on this subject without interruption, and I would like to ask unanimous consent for 15 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, we are making such slow progress on this part of the bill, which ordinarily ought not to take up a great deal of time, I would like to know if we can not reach some agreement as to how long the debate on this amendment shall last?

Mr. JONES. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes.

Mr. TOWNER. I will say to the gentleman that so far as I know we will take no time on this side. Make it shorter if you desire.

Mr. JONES. Then I will say 15 minutes, Mr. Chairman, and let the gentleman from Oklahoma [Mr. MURRAY] have the 15 minutes, so far as I am concerned.

Mr. MANN. You had better make it 5 minutes more. There may be somebody who may wish to talk that length of time.

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] asks unanimous consent that debate on this paragraph shall be concluded in 20 minutes, of which the gentleman from Oklahoma may have 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I desire to express clearly and frankly my purpose in offering this amendment, because what I shall say I feel ought to be said. Before doing so, however, I may be pardoned for saying that no man has less religious prejudices or creed militancy than I have. I could not have any and maintain peace with my relations. I remember that John Murray was the founder of Universalism in America; the Rev. William H. H. Murray, "Adarondac Murray," for whom I was named, was a Presbyterian minister; that my father was a Reformed Methodist evangelist; that my mother belonged to the old school Christian Church, called Campbellites, as did her mother and father; my brother a Baptist, and my wife a Methodist.

While I have a profound regard for Christianity, and I believe in a Divine Providence which guides and guards the destiny of nations and the careers of men, I have never been bound by any creed. I remember also that, being left without parents from the age of 12 years, I was reared by an Alabama farmer by the name of Loper who belonged to what was known as the Primitive, or "Hard Shell," Baptist Church. Their conception of religion, true and undefiled, consisted in this: Tell the truth, pay your debts, take your liquor straight, and vote the Democratic ticket. [Laughter.]

I must confess, Mr. Chairman, I have imbibed much of all the four points of that quadrupled doxy, a doctrine calculated to produce creed stasis, but which has nevertheless created stalwart manhood wherever it has been practiced.

This amendment, varying just a bit from the old original statute written by Thomas Jefferson, and found in the constitution of Virginia of 1830, and which has trickled down since in all the Virginia constitutions, should find lodgment wherever a government of liberty is to be found.

Years ago, when but a boy, in the study of the origin of different constitutional provisions, I came across the following, in section 1 of article 5 of the constitution of the Texas Republic. It reads as follows:

Ministers of the gospel, being by their profession delegated to God and the care of souls, ought not to be diverted from the great duties of their function. Therefore no ministers of the gospel or priests of any denomination whatever shall be eligible to the office of executive of the Republic, nor to a seat in either branch of the Congress of the same.

A short while afterwards I came across a discussion of that clause by Judge R. E. B. Baylor, whose name has been transmitted to posterity in the name of Baylor University, at Waco, Tex. Judge Baylor had been a Baptist minister, and was on the supreme bench of the Texas Republic from 1841 until the admission of Texas into the Union as a State, in 1845. He was a member of the constitutional convention of 1845. In a book, perhaps now out of print, entitled "Bench and Bar of Texas,"

by James D. Lynch, Judge Baylor is quoted as saying in that convention:

I think the clause a wholesome and wise one. I do not think that any office coming directly from the people ought ever to be filled by the clergy of any denomination. I would as soon see a woman mingling with the populace at large, mounting the rostrum and making stump speeches, as it is generally called, as to see a clergyman engaged in business of this kind. Sir, the good and pious do not wish this thing; none but the ambitious desire it, and they, before all others, ought to be excluded. There are sectarian jealousies and heartburnings enough among the various religious denominations of every country, and by opening this new field to human ambition you will only make the breach between the different sects of Christians wider than it is now. I think, therefore, that the section ought to be retained. A great deal might be said upon the subject. It seems to me, further, that it is calculated to keep clear and well defined the distinction between church and state, so essentially necessary to human liberty and happiness. Sir, priests and kings, the former of every denomination, not the Catholic alone, have conspired in all countries and nations to enslave mankind. It has been a received maxim in Europe that the king should govern the priest and the priest the people. What have our fathers thought upon the subject? In many of the State constitutions the clause has been inserted. It has been thought wise and proper by their framers. A similar feature is found in our present Constitution. In conclusion, I have neither the strength nor the ability to do justice to the subject; I therefore simply say that I hope the clause will be retained by the good sense of this house.

When I read that speech it struck me with considerable force, and it has stayed with me ever since. I do not subscribe to the extreme view taken by Judge Baylor, which doubtless grew out of the restriction placed upon religious liberty prior to the Texas revolution.

History discloses the fact that in the colonization of Texas in 1821 by Stephen F. Austin down to the revolution of 1836 charges by the Mexican priesthood for performing the marital rites were so exorbitant that the colonists adopted a form of marriage by bond to support his future wife for three or five years or for life. We are assured by Z. N. Morrill's work, entitled "Flowers and Fruits of Texas," that this was common, as does Herbert Bancroft, and even Gen. Sam Houston's first marriage form was by a bond to support his wife for three years. Doubtless it was this condition that led Judge Baylor to this extreme view.

I would hold more to the doctrine that no minister or layman, whether Jew or Gentile, Catholic or Protestant, or none of these, should be excluded from public office because of such faith or church standing. [Applause.] Nor, on the other hand, should they be elected because they are such members. Freedom of speech, freedom of the press, freedom of religion—all these are essential to every government of liberty, whatever may be its form.

Yet in the grant of the freedom of speech there is danger of an abuse of that right, but the abuse must be accepted in order to get the larger and the superior right. So also in the grant of the freedom of the press. The press may abuse and slander the most patriotic and honorable public servant, and no doubt every Member here has felt the sting of that abuse. And yet the larger liberty is so essential that we accept the evil consequences flowing therefrom.

Religious liberty may, as it has been sometimes argued, encourage heresy, but we must accept the heresy in order to get that larger liberty. Without that liberty there can be no intelligent solution of the great problem of the beyond. Whatever your view may be or mine, we certainly have the right in all government unrestrained to exercise that view.

Pardon my saying that I hold to that philosophy of creed that would comprehend "living the life," and that no function, individual or organization, can step in and take the place of personal responsibility and personal guilt—a complete free moral agency.

I believe with Sir William Hamilton, the great Scotch mental philosopher, that unless you recognize "free moral agency" and the responsibility of personal guilt you have no basis from which to reason that there is an All Wise Creator at all. However, others believe differently. There are those that believe that an appointed official of the church, and still others that the organization of church itself, may be the intermediary between the guilty individual sinner and the All Wise God whom he is commended to serve; and each of those views are entitled to the same consideration of the State as I am to mine, and liberty each to follow his own course is the only safe and sane way by which the institutions of men may leave every individual with good conscience to commune with God in his own way.

Scarcely no church or creed now extant but what has undergone persecution—persecution by one another. So we can not determine in a legal way which is right and which should become the church of the State. Our pilgrim fathers fled from persecution of the Old World to the bleak shores of New Eng-



land to escape religious persecution, yet they were here but a short space of time before they began a persecution equally cruel; and the burning of witches at Salem is one of the dark and unpardonable episodes in all our career. Roger Williams, fleeing from another sect, who themselves had been persecuted, went into Rhode Island to found a new Commonwealth; and we are familiar with the early history of Maryland, when the tide in numerical numbers changed and shifted between different creeds, both of whom had been persecuted in Europe. So the separation of church and state is just as essential as the freedom of worship, in order that no partiality shall be shown and that each may flourish or fade in popular opinion before the court of an enlightened popular judgment. This makes all free and guarantees the continuance of each and all.

The liberty of every man to exercise his own views, without partiality shown to either by the State, tends to eradicate the weeds of fanaticism and of prejudice and raises the human race to a higher standard. I had rather believe, Mr. Chairman, in the larger view of the exercise of the right of every individual to worship God according to the dictates of his own conscience. [Applause.]

If there be those who contend that a Catholic or Protestant, a Jew or Gentile, or a follower of Confucius or Zoroaster, should not have political as well as civil rights, I do not agree with them. If there be those who claim that because of membership in either of these creeds such membership best entitles them to political rights, I do not agree with them. In other words, Mr. Chairman, we must hold to the doctrine of freedom in forms of worship, freedom of worship, and freedom from worship, together with the corollary that every individual shall have the right to contribute his mite to any creed of his choosing; and on the other hand that he shall be relieved from compulsory contribution, either by tithes or taxes, to any creed whatsoever. This, Mr. Chairman, is my view of a nobler liberty that must be adhered to rigidly in every well-regulated government; and this is the first step in all political, civil, and religious liberty. [Applause.]

Mr. QUEZON. Mr. Chairman, I rise to inform the House, in connection with the amendment offered by the gentleman from Oklahoma [Mr. MURRAY], that the Filipino people believe absolutely and heartily in religious freedom. Immediately after our successful revolution against Spain the Filipino people proceeded at once to frame a constitution for the Republic of the Philippines. The islands had been for 300 years under the rule of Spain, and during that time had had only one church—the Roman Catholic—which was also the State church of Spain. The framers of the constitution of the Philippine Republic were all Catholics; and yet one of the provisions of that constitution was the freedom of worship, the freedom of religion. May I call the attention of the House to this remarkable event which shows that the Filipinos are by temperament a liberty-loving people? The history of the world shows that in no country which has had only one church, and which church was an integral part of its political institutions, has the establishment of religious freedom been effected without bloodshed. Page after page of human history is written with the blood of martyrs of one religion or another. This country of yours was founded by those who would sooner give up their homes than their religion. Cromwell thought himself the instrument of Providence to destroy the church of those who, like him, claimed that Christ was their Savior.

Every country of Europe, many of Latin America and of Asia, are guilty of the crime of religious persecution, but we have seen nothing of the kind in the Philippine Islands. As I said before, during the short life of the Philippine Republic there was religious freedom; and when the United States came and established her Government in the Philippines she brought with her one of the most precious rights of American citizenship—the liberty of the individual to worship God in his own way. And the Filipino people were not only ready to accept this institution, but were glad to have it.

In the annals of American occupation, from that day to this, we record no public disorders on account of religion. To-day the majority of the Filipinos are still Roman Catholics. Few belong to the Aglipayan or native church; few others have become Protestants. Yet they live side by side, they work hand in hand, and they vote according to their political ideas, without regard to their religious convictions. Freedom of religion has been established in the Philippine Islands first upon the initiative of the Filipinos themselves, later upon the decision of the United States; and it is established there, thank God, forever. We realize that it is to the interest of Catholics as much as of Protestants to have religious freedom. I do not therefore object to that part of the amendment of the gentleman from Oklahoma [Mr. MURRAY] which insures the separation between

the church and the state. But I deemed it necessary to state that the Philippine Legislature hardly needs this constitutional inhibition. The Protestant Church can rest assured that the people of the Philippines, Catholic though the majority of them be, will receive as fair a treatment from the Philippine Government as the Catholic Church or any other.

As to polygamy, this has not existed among the Christian Filipinos for the last 300 years. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Oklahoma [Mr. MURRAY].

The amendment was agreed to.

The Clerk read as follows:

That the rule of taxation in said islands shall be uniform.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose it was customary for many years, and may be yet, to put into constitutional provisions the declaration that the rule of taxation should be uniform. Probably that is in the existing law with reference to the Philippines. There is a good deal of controversy about whether it ought to be any longer always followed.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think it is the uniform custom to put into the constitutions of the States the provision that taxation shall be uniform.

Mr. MANN. I will not say that it is the custom. It is in many States, but in some States in recent years I think the tendency has been to get away from the idea of entire uniformity of taxation.

Mr. GARRETT of Tennessee. There is no change from the present organic law.

Mr. MANN. No; I apprehend that it is in the present organic law, which was adopted a good many years ago. As far as I am concerned, I do not profess to be an authority on the subject of taxation, but I have frequently seen cases where it seemed to me that it would be desirable not to enforce uniformity of taxation.

Mr. STAFFORD. I wish merely to inquire of the committee whether they have considered in this connection the expediency of the Philippine Legislature levying a graduated income tax? As the gentleman from Illinois [Mr. MANN] has said, the States are now departing more and more from the old idea that taxation shall be uniform. In Wisconsin, for instance, only four years ago we passed a constitutional amendment that authorized different gradations of taxation, so far as incomes are concerned. The National Government has adopted a similar principle of taxation, under which the taxes are not uniform. I rise to inquire whether that fact has been considered by the committee, so far as the Philippine situation is concerned?

Mr. GARRETT of Tennessee. The gentleman knows that the present Federal income-tax law applies to the Philippine Islands.

Mr. STAFFORD. My impression was that it was specially excepted.

Mr. GARRETT of Tennessee. No; it is included, but the revenues that are collected go into the Philippine treasury.

Mr. STAFFORD. When that bill was under consideration in the House I remember it was mooted whether it should apply to the Philippines; but, as the gentleman states, the revenues are diverted for the use of the Philippine Islands. But why should we not leave it to the Philippine Legislature to determine whether they should supplement that law by income-tax legislation which would not be uniform? All the States recognize that there should not be uniformity of taxation, so far as incomes are concerned. This phraseology might restrict a graduated income tax, a graduated inheritance tax, and might forbid the legislature from adopting different rates on different classes of property.

Mr. GARRETT of Tennessee. I do not understand that this would prevent the levying of a graduated income tax.

Mr. COOPER. As I understand it, the income tax is uniform, without discrimination as to persons.

Mr. GARRETT of Tennessee. Certainly; but not as to amounts.

Mr. COOPER. There is a uniform rate of taxation on incomes of more than a certain amount. The rate of taxation is uniform as between individuals.

Mr. GARRETT of Tennessee. Undoubtedly.

Mr. COOPER. It strikes me that one of the things which certainly ought to remain in this bill of rights is the provision that the rule of taxation in the islands shall be uniform. At least it should remain until the people of the islands have learned through experience what it means to tax themselves.

Mr. GARRETT of Tennessee. As I have just said to the gentleman from Wisconsin, there is nothing in this provision,



if I understand it correctly, that will prevent the levying by the Philippine Legislature of a graduated income tax. The gentleman will find that in section 11 there is a provision that no export duty shall be levied or collected on exports from the Philippines. They are prohibited from imposing export taxes, and our idea is that they can impose an income tax under this law.

Mr. MADDEN. Mr. Chairman, the language of the paragraph in the bill—"the rate of taxation in said islands shall be uniform"—only applies to the income tax, but I take it for granted that there will be other taxes. There will be the taxes required to maintain and conduct the municipalities, taxes on real estate, and taxes on personal property. The conditions surrounding one community would be totally different from that surrounding every other community, and it will not be possible to have uniform taxation for local purposes.

For example, a strictly rural territory would have a rate of taxation levied against land in the rural community which would be very low, because the needs of the community are not very great. Then the taxes to be levied on property of a village where there are no great interests involved would be still lighter than the taxes on property levied in a great city.

Mr. JONES. That is unquestionably the case, and is the case in the islands now. And yet they have the provision in the organic law.

Mr. MADDEN. I think what I am saying is pertinent to the question. In the city of Manila, with all of its great activities, its paved and lighted streets, its system of water supply, and the police system and fire protection to be provided for, the rate of taxation would be very much higher than the rate of taxation in other communities. Will anybody tell me that the rate of taxation can be uniform, except in so far as it applies to the income tax?

Nobody will deny the fact that in every State there are varying rates of taxation, depending on the needs of the community against which the taxes are to be levied.

Take a great city like Chicago. The people there are compelled to pay taxes very much in excess of the people living on the farms 20 miles out of the city. The people of one county have conditions which require them to levy more taxes than the people of another county. Under such conditions uniformity of taxation would be out of the question.

Mr. BAILEY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BAILEY. This does not say that the rate of taxation will be the same; it says the rule of taxation. There is a very material difference there.

Mr. MADDEN. The application of the rule would apply alike to all communities, but it also ought to go to the rate as well as the rule.

Mr. BAILEY. I hardly think so. Your own constitution has precisely the same provision.

Mr. MADDEN. If it only applies to the rule, that is a different matter.

Mr. JONES. Mr. Chairman, I would like to ask what the proposition is before the committee?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] made a motion to strike out the last word.

Mr. MANN. I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, I move to strike out the last two words just long enough to make the suggestion that the question of uniform taxation was discussed in the Ohio constitutional convention in 1912, at which time a great many of the State constitutions were read. As I recall, New York has not a uniform system, and I do not think Illinois has any.

Mr. MANN. Yes; it has, and is frequently complained of.

Mr. FESS. The discussion turned about that point whether there should be one rate on intangible property and a different rate on real property, or whether there should be one rate on bonds and a different rate on franchises, and the discussion finally led to the adoption of a uniform rule. So in Ohio all property of every class is assessed on uniform rule, which I understand is the provision in this bill. I mention this to indicate that there is not a uniformity throughout the States, some of them having one method and some of them another.

Mr. McKENZIE. Will the gentleman yield?

Mr. FESS. Yes.

Mr. McKENZIE. The gentleman does not understand that by these words, "the rule of taxation shall be uniform," it signifies that in a city of 500,000 people the rate of taxation should be the same as in a country township?

Mr. FESS. I mean that the law passed in Ohio regulating taxation can not make one rate on one kind of property and another rate on a different kind of property.

Mr. YOUNG of North Dakota. Mr. Chairman, when the constitution of North Dakota was adopted, a quarter of a century ago, it contained a provision reading much the same as this, which requires that all taxes shall be uniform. We found afterwards in the operation of a tax law passed by the legislature providing that property should be assessed according to its value on April 1 that all of the elevators in the State cleaned out the wheat in their elevators immediately before April 1, so that after a long period under that law we found that we got absolutely no taxes out of grain in public elevators. So it was finally decided that we would amend the constitution and permit a specific tax on grain. Afterwards the legislature put a tax on grain sufficiently small so that they could not afford to ship it out before that date. In other words, the elevator people stood for the small tax, but when it was imposed according to its value, as was provided under the constitution as originally passed, they paid absolutely nothing. I think our experience in that regard would indicate that the proposal in this bill is a little bit too rigid.

Mr. MADDEN. Somebody would pay taxes on it, because if it was not in Dakota it was some other place. If you could not find it to tax in Dakota, some other place would find it and tax it.

Mr. MILLER. It might get to Illinois, where they required an assessment to be made on the 1st of March, and thus escape taxation there.

Mr. YOUNG of North Dakota. Mr. Chairman, the gentleman who has just spoken [Mr. MILLER] comes from Duluth and therefore lives in the town where a lot of this wheat was shipped, and I imagine it got down there after the assessor made his rounds. I do not know. I doubt very much whether that wheat was assessed at Duluth. It probably went in the boats and on down to Buffalo. I doubt whether any of that wheat shipped out of North Dakota in the month of March, no matter what its destination, was ever taxed anywhere in the United States.

Mr. McKENZIE. Is it not the fact that the men who own these elevators ship that grain and that the money taken in payment is taxable?

Mr. YOUNG of North Dakota. Yes; but their head offices are usually in Minneapolis, or some other State, and the purchase money can not therefore be reached for taxation in our State.

Mr. McKENZIE. In other words, they were tax dodgers?

Mr. YOUNG of North Dakota. Yes; precisely. Why enact a provision of this kind in this bill, which will so restrict the powers of the legislature in the Philippines that it will be helpless to cope with the tax dodgers? They constitute a class that ought not to be encouraged.

But, Mr. Chairman, there is a sense in which tax dodging is perhaps excusable. There are millions of poor people in this country who would like to dodge or avoid the payment of the proposed special, stamp, and other additional taxes, which they consider unjustifiable when our Nation is at peace with all the world. Their only hope to avoid it is through us. One way to do so is by practicing economy in the matter of appropriations. The people expect it of us. I have yet to find a single newspaper in our State which does not insist that Congress shall practice the strictest economy. The leading Democratic newspaper of North Dakota, the Stutsman County Democrat, says:

The country is in no mood to countenance congressional extravagance. Those Democrats who oppose reformed appropriations make a grave mistake from the standpoint of either principle or policy. Economy in public expenditures is a cardinal Democratic doctrine and of especial application at this particular time.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Sec. 6. That the laws and ordinances now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

Mr. TOWNER. Mr. Chairman, I move to amend section 6 by striking out, in the twelfth line, the words "and ordinances."

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 6, line 12, strike out the words "and ordinances."

Mr. TOWNER. Mr. Chairman, the reason I make that motion is this: The word "ordinance" usually applies to a municipal regulation. It rarely has reference to a legislative act.

If gentlemen will look farther down in the same section, they will find the language—

until altered, amended, or repealed by the legislative authority herein provided or by act of Congress of the United States.

Of course it is not desired that any of the municipal ordinances now existing in the Philippine Islands shall remain in existence until they have been repealed by legislative action. All that is necessary and all that ought to remain in the section is that the laws now in force in the Philippines shall continue in force and effect until repealed, altered, or amended by legislative authority.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MANN. Did not the commission over there enact what we may call laws by the term "ordain" instead of "enact"?

Mr. TOWNER. That may be true, but that would be an additional reason why this amendment should be agreed to.

Mr. MANN. It has usually been considered that where an administrative body is given authority to ordain that certain things should be the law, that that is called an ordinance. I suppose that is what this has reference to. Of course I do not know. While the term "ordinance" as we use it has a municipal significance, still the fact that we so use it is not a sign that that is the only use throughout the world.

Mr. TOWNER. In any event, if that should be true, then there should be a distinction clearly drawn here. I do not know whether laws passed by the commission are called ordinances or not.

Mr. JONES. Mr. Chairman, I will say to the gentleman that they are not called ordinances; they are legislative enactments. But I would like to ask him if there are not some ordinances that were decreed by the military government?

Mr. QUEZON. Mr. Chairman, will the gentleman from Iowa permit me to answer that question?

Mr. TOWNER. Yes.

Mr. QUEZON. They are called "general orders." The only "ordinance" we have in the Philippine Islands is a municipal ordinance; that is the technical name of it.

Mr. TOWNER. Then undoubtedly the words "and ordinances" ought to be stricken out.

Mr. JONES. I have no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act as it may from time to time see fit.

Mr. MANN. Mr. Chairman, I suggest to the gentleman in charge of the bill, or the gentleman from Iowa, that having stricken out the words "and ordinances" in the section above it should also be stricken out in this section.

Mr. TOWNER. Mr. Chairman, I was going to make the motion when the Clerk finished the reading of the section, but I will make it now. I move to strike out the words "or ordinance."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 20, strike out the words "or ordinance."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That all legislative powers heretofore granted to the Philippine Legislature and to the Philippine Commission and hereby conferred on the Philippine Government shall be granted to the Philippine Legislature authorized by this act.

Mr. TOWNER. Mr. Chairman, I move to strike out all the language of that section following the word "that," in line 1, down to and including the words "shall be," in line 4, and to substitute in lieu thereof the language "general legislative power is hereby," so that the section will read:

That general legislative power is hereby granted to the Philippine Legislature authorized by this act.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 1, after the word "that," strike out the following language: "all legislative powers heretofore granted to the Philippine Legislature and to the Philippine Commission and hereby conferred on the Philippine Government shall be," and insert in lieu thereof the words "general legislative power is hereby."

Mr. TOWNER. Mr. Chairman, the reason I suggest that amendment is this: Under the terms of this section as it was originally written, only the legislative powers are granted that belong to the Philippine Legislature and to the Philippine Commission. The facts regarding that are well known historically.

We had in the first place acts of a military governor and subsequently of a civil commission appointed by the President. Subsequent to that acts were passed by the Philippine Legislature, if it might be called such, which consisted of an assembly elected by the people and of a commission appointed by the President. From time to time various legislative powers were conferred upon these bodies. Just what is and what is not embraced in the powers that were granted to them I presume it would be practically impossible for us now to determine. It is clear that great confusion and uncertainty are likely to result when before the validity of an act of the legislature we are creating can be determined it must be ascertained whether the prior assembly or commission, or both, had such power. The language which I am asking to have introduced as a substitute is that which is usually given and approved in the formation of constitutions for States and Territories, when they desire to confer legislative power. In other words, it is now well established under American law what general legislative power is, and this legislature ought to have all general legislative power such as is exercised by States and by Territories.

Mr. COOPER. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. COOPER. I would like to ask the gentleman this question: If that grants all legislative power to their legislature?

Mr. TOWNER. This language does not say "all." It says "general legislative power," and general legislative power granted to a State will be such as would be strictly within their jurisdiction.

Mr. COOPER. Would that be extending territorial government?

Mr. TOWNER. Certainly it would; it would be giving this legislature general legislative power.

Mr. COOPER. Then do I understand that if we grant general legislative power to the Philippine Legislature it will mean the establishment there of a territorial government—that the Philippines will be made a Territory—a part of the United States?

Mr. TOWNER. I do not care to discuss that question.

Mr. COOPER. If they become a Territory of the United States and the Constitution is thus extended over them, the United States never can withdraw from them except compelled by force, as the result of a war. The Supreme Court has so decided.

Mr. TOWNER. But, Mr. Chairman, that matter is not involved in this question at all.

Mr. COOPER. If they are to be made a Territory of the United States, it is directly involved.

Mr. TOWNER. I am not declaring, and this amendment does not declare, anything about its being a Territory.

Mr. COOPER. But you propose to give the legislature general legislative power—

Mr. TOWNER. General legislative power; certainly I do.

Mr. HELM. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HELM. Further on in the bill there are some provisions retaining certain powers in the Congress of the United States, especially in reference to tariff duties and other provisions affecting the interest of the United States. Now, that is general legislation, and if you confer all legislation on the legislature then you either nullify or you must change those provisions that have been inserted in this bill for the purpose of retaining certain powers in the Congress of the United States.

Mr. TOWNER. Oh, I will say to my friend that is not the case. It is not "all" general legislative power, but it is only general legislative power such as might properly be exercised by a legislature of this kind. I want the Philippine Legislature to have general legislative power and not a restricted, undetermined, questionable power, and it has not anything to do with the relation of the Philippines to this country nor the question as to whether we can or can not exercise governmental power in the islands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Iowa on the lines I have indicated. The trade relations that are to continue between this Government and the Philippine Government that are provided for in this bill are important; and if we confer all power or general legislative power on the Philippine Legislature, that is inclusive, and it would have the sole and exclusive right to legislate on all subjects. The levying of tariff duties is certainly general legislation. Nobody will say a tariff bill passed by the Congress of the United States is not general legislation as affecting the United States. A tariff bill passed affecting the Philippine Islands is certainly general legislation and is related to the Philippine Islands, and it seems to me it would be an



unwise and impolitic thing to pass the amendment offered by the gentleman from Iowa.

Mr. MANN and Mr. MILLER rose.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MANN. Mr. Chairman, I move to amend by perfecting the text by striking out the word "Philippine." Mr. Chairman, I am in favor of the amendment offered by the gentleman from Iowa. It is not subject to the objection made by the gentleman from Kentucky, because this act will all be construed together, and if the language was "all legislative power is conferred upon the Philippine Legislature," and then in the next section say they should not have power to do a particular thing, the two would be construed together. I am in favor giving the Philippine Legislature broader power than we would give to a Territory of the United States. What are we doing to-day? On one side we are trying to ascertain whether the Philippine people are competent for independence. Never in this world can you ascertain that by treating them like children. The only way that can be ascertained is to put responsibility upon them and see whether they measure up to the responsibility. Now, as far as I am concerned, while I am not in favor of giving the Philippine Islands independence, separating them from the United States, I am in favor of giving them control over their local affairs—exclusive control. Of course we could change the law at any time. I am not in favor of letting the Philippine Government enter into foreign relations. I think the United States should stand for them in directing their foreign affairs, but I believe they ought to have the right to govern themselves locally, and you can not give them that right by putting a lot of restrictions in and saying they are not competent to do this, we are afraid they will do wrong about that, we will not trust them about some other things. We have got to trust them sooner or later. We have got to turn them loose as an independent people or else we have got to make them friends of ours if they remain under the jurisdiction of the Government of the United States, and the only way you can do so is to treat them like men. [Applause.] We do not own all the wisdom of the world ourselves. We sometimes doubt about our own capacity for self-government. I do not know whether they will have self-government without trials and tribulations, though I do not assume that they will. We do not. We constantly have trouble amongst ourselves in the best and most enlightened parts of the United States. Let the Philippine Government take their chance and see whether they can protect themselves in their own government, and when that is determined it will be time enough for us to determine, first, whether they want to be separated from the United States, which I do not think they will then want, and, second, whether if they want it the United States feels at liberty to let them go.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. I want to suggest to the gentleman that a careful reading of this section will indicate that it is not its purpose to define what legislative power shall be conferred so much as it is its purpose to state where that legislative power shall rest.

Mr. MANN. I will say to the gentleman that I was not making my remarks so much on this section as on other provisions of the bill. The objection I have to the way the section reads is that you have got to determine on what we have granted to the Philippine Legislature and what we have granted to the Philippine Commission; whereas if we say they shall have legislative power then they will have general legislative power except as we otherwise restricted in this organic act.

Mr. HELM. Will the gentleman yield for a question?

The CHAIRMAN (Mr. GARRETT of Texas). The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. HELM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HELM. Is there anything in this section that limits the power that has heretofore been exercised by the legislature? Does it not extend it or enlarge on its power by permitting it to exercise all the powers that are conferred on it by this bill and that were conferred on it by the organic act under which they now are governed, together with powers exercised by the Philippine Commission?

Mr. MANN. It seems to me that where we specifically say that the legislature shall have such powers and go no further, those are all the powers they have.

Mr. HELM. If I understand the gentleman correctly, he wants to give them the fullest measure of power in the matter of legislation?

Mr. MANN. I do.

Mr. HELM. We are undertaking in this section of the bill to give them all the powers that they have had heretofore without restriction, thereby enlarging upon their powers rather than restricting them.

Mr. MANN. The restrictions of the power are in other parts of the bill.

Mr. HELM. There is no restriction in this section.

Mr. MANN. This section gives no greater power to the Philippine Legislature than the Philippine Commission and the present Philippine Legislature have, and if we take steps on that we ought to take steps here to give them broader powers.

Mr. HELM. As I understand, it gives the legislature all the power that is given in this bill, and it gives them all the power that the Philippine Commission has heretofore had, and all the power that the previous legislative bodies in the Philippine Islands have had. So it looks to me like the gentleman is arguing against his own premise.

Mr. MILLER. Mr. Chairman, I move to amend the amendment by inserting after the word "power" the words "except as herein restricted."

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting after the word "power" the words "except as herein restricted," so that the section as amended will read:

"Sec. 8. That general legislative power, except as herein restricted, is hereby granted to the Philippine Legislature authorized by this act."

Mr. MILLER. Mr. Chairman, I am very heartily in favor of the amendment offered by the gentleman from Iowa [Mr. TOWNER], and I sincerely hope it will be the wisdom of this committee to accept it, together with the modification which I have proposed. The modification is to meet the objection raised by the gentleman from Kentucky [Mr. HELM] and some of the objections that have come from other Members.

Now, Mr. Chairman, the language of the paragraph as it now stands, to my mind, is clearly improper. Just for a moment see what it does. All legislative powers are granted that heretofore have been granted, to what? To the Philippine Legislature—that is, the assembly—and to the Philippine Commission, and are hereby granted to the Philippine Government. That is, this paragraph grants to the legislature of the islands which we are now creating only such power as heretofore has been granted to the assembly and to the commission, and that are also herein conferred upon the legislature, which is a complete restriction. As the gentleman from Illinois [Mr. MANN] has here clearly and emphatically stated, if we are to give these people anything like an opportunity to demonstrate their capacity for government, we certainly must give them free rein, as far as possible, in matters of legislation.

Now, if we turn over the page, we find this language in section 12:

That all local legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature.

There is very clearly a conflict between the two. The last does not go even as far as the first. It says "all local legislative." I say now, Mr. Chairman, when that paragraph is reached I propose to strike out the word "local." I think the Philippine Legislature should not be tied to Congress constantly by an apron string. I think the people of the islands should have an opportunity to legislate. Let them draw upon their experience, their knowledge of the affairs of their own people, and act accordingly. We should let them have free and full opportunity to do so. But we have not done so in this paragraph. We have hedged them in, we have curbed them in, we have restricted their legislative activity to within very narrow limits.

Mr. QUEZON. Mr. Chairman, I believe that the majority of the Insular Affairs Committee sympathize with the ideas expressed by the gentleman from Iowa [Mr. TOWNER] and the gentleman from Minnesota [Mr. MILLER], although I am not authorized to speak for the majority. Therefore I hope that the amendment will be adopted. The language suggested by the gentleman from Iowa would serve to make it clear that the purpose of this act is to grant the Philippine Legislature all the powers that usually are possessed by national legislative bodies, except those that are specifically prohibited by other sections of this act and those which affect foreign relations. The amendment would serve to avoid constitutional questions that may arise if the section is left as it stands, as to whether or not the Philippine Legislature has any right to enact certain legislation.

The CHAIRMAN. The time of the gentleman from the Philippine Islands has expired.

Mr. JONES. Mr. Chairman, the reason why section 8 was written as it is is that the Philippine Commission, as all those

who are familiar with the Philippine Government understand, exercises, or certain of its members do, executive powers as well as legislative powers, and had exclusive legislative powers in certain portions of the islands, and joint powers with the assembly in other parts of the islands. The majority thought it wise, in order to make it absolutely clear that the Philippine Commission was to exercise no legislative powers hereafter, and especially to make clear what power the legislature was to be clothed with, to confer upon it specifically the legislative power conferred upon the commission, as well as that conferred upon the legislature. The organic law provided that "all the legislative power heretofore conferred upon the Philippine Commission in the said islands not inhabited," and so forth, should be conferred upon the legislature created by the organic act. To discover what that power was we must examine President McKinley's letter of April 7 to the then Secretary of War.

I wish to say, however, that if the gentleman from Iowa [Mr. TOWNER] will accept the amendment proposed by the gentleman from Minnesota [Mr. MILLER], with a slight change in the phraseology, I do not think I will have any objection to his amendment. The amendment to the amendment reads "except as herein restricted." I would change that language so as to make it read "except as herein otherwise provided." I do not think the gentleman will object to this.

Mr. MILLER. That is entirely satisfactory.

Mr. JONES. With that change in the amendment I am perfectly willing to accept the amendment.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. McKENZIE. I merely wanted to ask the chairman of the committee if he thinks by adding the word "exclusive" before the word "general" it would clear up the situation?

Mr. JONES. No; I do not.

Mr. MILLER. Mr. Chairman, I ask leave to modify my amendment, so that it shall read "except as otherwise herein provided."

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent to modify his amendment by an amendment which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "restricted" and having the amendment read "except as otherwise herein provided."

Mr. MILLER. That should be "except as herein otherwise provided." Transpose "herein" and "otherwise."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota [Mr. MILLER] to the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the Government of the Philippine Islands by purchase under the provisions of sections 63 and 64 of the act of Congress approved July 1, 1902, except such as may have heretofore been sold and disposed of in accordance with the provisions of said act of Congress, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: *Provided*, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer such lands for the benefit of the inhabitants of said islands.

Mr. MOORE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 7, by inserting after the word "President," in line 25, the words "and the Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE. Mr. Chairman, the purpose of the amendment is to bring to the attention of Congress, as well as to that of the President of the United States, such questions as may arise

from the disposition of the land by the Philippine Legislature. Lines 19 and 20 of section 9 indicate that the Philippine Legislature would have entire control of the islands and would administer them for the benefit of the inhabitants thereof. It is just possible that a President who is partial to Filipino independence, or one who is entirely opposed to it, would have to do with the questions arising from grants of land, especially in the matter of timber and mining, and that it would be well for Congress to have some notice before questions of this kind are finally determined. It has occurred to me that it is possible that if the Philippine Legislature should, in its judgment, find it wise for "the benefit of the inhabitants of the islands" to dispose of one of the islands—for example, one of the islands not inhabited at all—it might so dispose of it "for the benefit of the inhabitants of the islands" as to involve us in complications with foreign powers. It is just possible that the legislature might decide that it could sell an island.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. MOORE. Yes.

Mr. GARRETT of Tennessee. I call the gentleman's attention to the fact that in a subsequent section of the measure the right of Congress to annul any act of the Philippine Legislature is expressly reserved, and to adopt the amendment of the gentleman would render still more cumbersome and still more difficult any legislation in regard to the public lands and the friar lands in the islands. This is one particular matter in which an exception, if the gentleman will pardon me, was made by requiring affirmative action on the part of the President.

Mr. MOORE. I suggest to the gentleman that this paragraph provides—and it is very comprehensive—that "all the property and rights which the United States has in the Philippine Islands" are placed under the control of the government of the islands, which means, if the figures quoted here are correct, \$200,000,000 or \$300,000,000 worth of property.

Mr. GARRETT of Tennessee. There are about 60,000,000 acres of public land, according to my present recollection, and then the friar lands.

Mr. MOORE. All this and all property and all rights therein—

Mr. JONES. The gentleman understands that under the organic law that is already given to the Philippines. They already own it. This is simply confirming that. The organic law already gives it to them.

Mr. MOORE. The gentleman does not yet get my point. This property is to be under the control of the Philippine Legislature. In the wisdom of the legislature, according to the judgment of the legislature, it might seem well to dispose of an island or piece of ground in a way that might not conform to the interests of the United States, or that might involve us in complications with foreign powers. Would it not be well for the Congress to be advised?

Mr. GARRETT of Tennessee. If the gentleman will permit, in the first place, I think that any President, whether he was for independence or against independence, could be relied upon to protect our foreign affairs; and in view of the fact that the Congress retains the right, in a subsequent section, to annul any law that may be passed there, this would render it much more cumbersome.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I ask unanimous consent that the time of the gentleman from Pennsylvania [Mr. Moore] be extended three minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Pennsylvania be extended three minutes. Is there objection?

There was no objection.

Mr. MOORE. When the gentleman states that Congress retains the power to annul, to what section does he refer?

Mr. GARRETT of Tennessee. I do not remember the number of the section now, but it is in a subsequent section.

Mr. MOORE. I have not found it.

Mr. JONES. It is in the law, as clear as can be.

Mr. MOORE. Is it in the organic law?

Mr. GARRETT of Tennessee. It is in the present organic law, and also in this bill.

Mr. MOORE. The gentleman understands that I was dealing with section 9, which specifically provides that it shall be up to the President, and that is all there is to it.

Mr. GARRETT of Tennessee. If an act affecting the public lands was passed by the Philippine Legislature, and that act was approved by the Governor General, it would not become a law until affirmative action approving it had been taken by the



President of the United States. In the opinion of the committee that is a safeguard that is proper. Now, the gentleman's amendment proposes to go a step further, and to require that it shall not only be approved by the President of the United States but that it must be affirmatively acted upon by the Congress of the United States; and the gentleman, knowing the difficulties that we have here in legislating concerning our insular affairs at all, will readily understand that it would be extremely difficult ever to get any legislation passed with relation to the public lands in the Philippines.

Mr. MOORE. I realize that to bring it to Congress would add somewhat to the difficulties of disposing of land.

Mr. GARRETT of Tennessee. Every act of the Philippine Legislature must be transmitted to the Congress. It is then referred to the Committee on Insular Affairs of course, and the Congress retains to itself the right to annul any act of the Philippine Legislature.

Mr. MOORE. I think the gentleman will agree that there are certain islands in the archipelago that are practically uninhabited.

Mr. GARRETT of Tennessee. I suppose there are some small islands.

Mr. MOORE. And they might be of use to a foreign nation, or to a miner or speculator, or to some one who desired to cut timber, and those islands might be ceded by the Philippine Legislature, if it deemed it wise to do so.

Mr. GARRETT of Tennessee. The gentleman will find the section that he asked me about a moment ago on page 15. It reads:

All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same.

I will say to the gentleman that I think we have gone as far as we ought to go when we have provided for affirmative action on the part of the President.

Mr. MILLER. May I ask the gentleman from Tennessee a question? Under this bill the Philippine Legislature has full power to legislate respecting the public lands and timber and mines, provided the legislation is approved by the President. That is still subject to be repealed by the Congress of the United States. Now, suppose the Philippine Legislature, with the approval of the President, should grant to an English corporation all the timber rights in the island of Mindanao—I am mentioning this as an extreme suppositious case; suppose that corporation should proceed to go ahead and develop; suppose that three years later the Congress of the United States should repeal the act; how would that affect the title of the English concern?

Mr. GARRETT of Tennessee. After the President had confirmed it?

Mr. MILLER. Yes.

Mr. GARRETT of Tennessee. I do not think the title would be good. I think the repeal by the Congress of the United States would affect the title. The law is a part of the contract.

Mr. MILLER. Of course, that is an extreme case. I will say that I have had serious doubts as to the legal effect of title in individuals who acquired timber concessions or public-domain concessions. Congress still retains the power to annul, and Congress might annul some general act under which a great number of individuals had acquired title to the land and perhaps had passed it on to innocent purchasers.

Mr. HELM. Do I understand the gentleman is asking what would be the status of the property that had been removed during the time that the act remained in force or the time when it was considered valid?

Mr. MILLER. That is the nature of the inquiry; yes.

Mr. HELM. Of course, if the timber had been taken away and the people who had the concession had gone, they would be all right.

Mr. MOORE. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE. I will not ask for any more time.

Mr. JONES. Mr. Chairman, I wish to say a word as to this.

Mr. MOORE. Will the gentleman allow me to ask him a question before he gets through?

Mr. JONES. Yes. Mr. Chairman, the provision as it now stands and which the gentleman from Pennsylvania desires to amend goes very far and just as far as I am willing to go. It goes further than I had wished to go in the beginning. I very reluctantly gave my consent to the provision requiring the approval in advance of the President to all legislation in respect to the sale of public lands, timber, and mining rights. I thought that inasmuch as the bill expressly reserved to Congress the right to annul all laws passed by the legislature, that was sufficient to safeguard the disposition of these valuable

public lands. I finally concluded, however, that no harm at least could be done by requiring the approval of the President. I am unwilling to go further than this. To require the approval of Congress would mean that little, if any, of these lands would ever be disposed of. There are some 60,000,000 acres of these public lands, and to require Congress to affirmatively approve every sale of them, no matter how small and insignificant the sale, before the purchaser could obtain his title would put an end to all sales. The same is equally true of the undisposed of friar lands. These lands were purchased with money borrowed by the Philippine Government and they should be disposed of as rapidly as may be legally done.

It is proposed to sell these lands in small tracts to actual settlers. If the amendment of the gentleman is adopted, the government will not be able to dispose of even 20 acres of land to one desiring it for a homestead without first getting the approval of Congress. Gentlemen who are familiar with legislation here know that that would be an absolute inhibition upon the sale of these lands. The gentleman must know that hundreds, yes, thousands, of bills will, if his amendment is adopted, be introduced in Congress asking for approval of sales of land made by the Philippine Government, not one of which in all probability would secure consideration. The gentleman's amendment is therefore, with all respect to him, absolutely impracticable.

Mr. MOORE. I wish to say in the gentleman's time that the very fact that the provision was put in section 9 was notice that the committee had some reason for putting it in. The gentleman has said that he had some hesitancy about letting it go in, but why should we reserve to the President of the United States the scrutiny over mining and timber lands if there had not been some reason for it?

Mr. JONES. For the very reason which the gentleman has stated, namely, that there are millions of acres of timber and other valuable lands in the Philippines which the legislature might inadvisedly or without sufficient consideration dispose of. For this reason it was deemed wise, in the interest of the Philippines themselves, to require the approval of the President before any of them can be disposed of. But that is as far as I am willing to go. I hesitated about going that far, but realizing the great importance of the matter I consented to do so.

Mr. MOORE. In view of the liberalizing of section 8, why should we have any restriction in section 9 at all?

Mr. JONES. For the very reason the gentleman himself has suggested. He has suggested that the vast interests out there might be unwisely disposed of, and has suggested that even affirmative congressional action should be required before they be disposed of.

Mr. MOORE. May I ask the gentleman why, if the committee wanted to liberalize the powers of the Philippine Legislature as in section 8, it should restrict them in section 9. If it had any conception in regard to these lands or timber transactions that it was justified in putting this in the bill, then we would be justified in still further restricting it by having notice given to Congress. If the gentleman says that the introduction of this restriction was an inadvertence as far as the committee is concerned, and put in with reluctance, why, that is another thing.

Mr. JONES. I did not say it was an inadvertence. I said, on the contrary, that it was put in after careful consideration. I said that in the beginning I thought it was well to give the legislature complete control over the public lands, but others in whose judgment I had confidence did not agree with me, and so after giving the subject further consideration I concluded, as I have said over and over again, that it would be best to require the approval of the President before disposing of these lands. That is quite a different thing to requiring the approval of Congress as the gentleman would do.

Mr. MONDELL. Mr. Chairman, I think the provisions of section 9 that are contained on page 7 are in the main wise, and I do not think the amendment offered by the gentleman from Pennsylvania [Mr. Moore] should be adopted. It is perhaps well for a time, out of an abundance of caution, to provide that these laws relating to the land in the Philippine Islands shall not have force and effect until they have been approved by the President, but it would certainly be very unwise to provide that the Congress must affirmatively pass on all of these matters. The result would be that Congress, anxious to dispose of its other business, would be likely to neglect the matters of this distant Territory of ours and that the laws would be hung up for an indefinite length of time.

Furthermore, I doubt if the Members of Congress are sufficiently well acquainted with the conditions in the Philippine Islands to pass intelligently upon the many questions that might arise in regard to these lands. I have had some experience

with regard to land laws, and I am frank to say that I should not know what was wise and what was unwise in regard to many land questions that might arise over there. I am glad we are going to give the Filipino people the opportunity to legislate fully and completely in regard to their landed resources. I hope they will be wise in so doing. I trust that the President will carefully scan the legislation that is passed, and I feel hopeful that with this safeguard the legislation will be wise.

Mr. MOORE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MOORE. The gentleman knows that we have just passed section 8 and modified it so that it gives the legislature rather comprehensive powers.

Mr. MONDELL. I realize that, but the fact still remains that Congress has the right and power to repeal any act of the Philippine Legislature.

Mr. MOORE. And in the very next section we restrict their powers.

Mr. MONDELL. I think the gentleman from Virginia has fairly well answered that. It is probable that the land laws will be wise, with the view of having the benefits of the public lands widely enjoyed by all the people of the Philippine Islands, but for fear that they do make a mistake, out of abundant caution this additional provision is inserted that the President affirmatively pass upon all land legislation.

Mr. MOORE. Does the gentleman see any difference between the right of the Philippine Legislature to pass a law relating to public buildings, which would not have to be submitted to the Congress of the United States or the President, and passing a law relating to lands, which must be so submitted?

Mr. MONDELL. I think I do see quite a bit of difference, and yet I am not one of those who are so fearful, as many people are, that the Philippine Legislature will do an unwise thing touching this landed property; I think it is perhaps well to have this general supervision. I hope that it will never be exercised in a negative way, except in a case so clear that there can be no doubt but that the legislature has made a mistake. In a majority of cases I have no doubt that their legislation will be wise, and I think men on the ground know more about what ought to be done than the Congress does. The President will have some advisers familiar with these matters who can advise him as to the legislation that may be enacted.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more for the purpose of asking the gentleman from Virginia, the chairman of the committee, a question with reference to the proviso of this section.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the proviso in section 9, on page 8, is as follows:

*Provided, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of said islands full control and power to administer such lands for the benefit of the inhabitants of said islands.*

Do I understand that to refer to some general orders of withdrawal for general public purposes, or only to orders of withdrawal relating to what might be called governmental purposes for forts, military establishments, and lighthouses, for instance.

Mr. JONES. Mr. Chairman, I will say to the gentleman that the organic law provides that in turning over this public domain to the Philippine Government the President shall reserve such portions of it as, in his judgment, the Government of the United States may need for military or other reservation purposes.

Mr. MONDELL. That is, for governmental purposes?

Mr. JONES. Governmental purposes.

Mr. MONDELL. Forts and lighthouses and matters of that kind?

Mr. JONES. For all military and other reservations needed by the United States. The President of the United States, in the exercise of the power granted him, reserved considerable land here and there in the islands. It turned out later that he had reserved more than the Government needed. In the beginning it was not known just how much would be needed, but out of due precaution it seems the President reserved more than there was any need for. Because this was true, one or more bills have been introduced in this House giving to the President

the authority to dispose of these unoccupied lands. This was done at the request of both Secretary of War Dickinson and Secretary Stimson, but no action was ever taken by Congress. The present Secretary of War advised that the subject be taken care of in this bill.

Mr. MONDELL. It seems an entirely proper provision, but this thought occurs to me: Assuming that somewhere on the islands we may hereafter need lands for military or lighthouse purposes or for other governmental purposes, which we have not heretofore reserved, is there any provision in the bill under which a reservation of the lands could be hereafter made? I understand that the Philippine Legislature might by enactment reserve those lands for the uses of the United States, but it is, of course, possible that a condition might occur under which that would not be done. Is there any saving provision in the bill?

Mr. JONES. Mr. Chairman, there is no saving provision of this kind in the bill, and there was no saving provision of the kind in the organic law. If the President of the United States had not reserved a sufficient quantity in the first instance, there was no power given by which he could afterwards do so.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Virginia yield to me?

Mr. JONES. Certainly.

Mr. GARRETT of Tennessee. If I understood the inquiry of the gentleman from Wyoming I think the gentleman from Virginia has not replied to it. I understood the gentleman to ask if there was anything out of the public domain now owned—

Mr. MONDELL. Certain lands have been reserved for governmental public purposes.

Mr. GARRETT of Tennessee. Mr. Chairman, I call the attention of the gentleman from Wyoming to the language beginning in line 9, on page 7—

Except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections 63 and 64, etc.

Mr. MONDELL. That saves those that the President may designate at the time this bill takes effect, or thereafter under its provisions, but it would not meet this situation: Assuming that hereafter at some time we might need a location for a lighthouse or a location for military or naval purposes in addition to those already reserved, is there any provision in the bill whereby we could be absolutely certain of securing those lands except as we might secure them through the action of the Philippine Legislature? Conditions might arise under which that might not be easy to obtain.

Mr. JONES. The gentleman's question now is a little broader than it was when he first presented it to me.

Mr. MONDELL. That was what I intended to inquire about.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. The President of the United States, when this law goes into effect, will of course have the right to reserve any lands that he thinks necessary for military or other purposes.

Mr. MONDELL. That is, in addition to those that have not heretofore—

Mr. JONES. That have already been reserved. But there happens to be certain parts of the lands that have already been reserved that are not at all necessary for any governmental purpose.

Mr. MONDELL. I understand that; and they are to be returned.

Mr. JONES. These pieces of land are in many instances small and scattered, and so located as to be of no value to the United States. In some instances, it is very desirable that they be sold to natives who own the adjoining land. The authority to dispose of this land is given to the President. It must be given to somebody. The War Department has desired for years that it be given to the President.

Mr. MONDELL. I hope the gentleman does not misunderstand me. I think the provisions of the proviso are proper and wise, so far as they go; but my query was, assuming that in the future we might desire lands for these public purposes—if it were at home, if it were anywhere in the United States, and these lands were public lands, the President would reserve them—but do we retain any power over the Philippine lands under this bill under which the President could do the same thing there—



Mr. JONES. No—

Mr. MONDELL (continuing). Or would we be compelled to go to the Philippine Legislature to get these lands for public purposes?

Mr. JONES. When the President shall have reserved all land necessary for military and other reservations of the United States the remainder will go to the Filipino people. If thereafter the United States desires to secure more of these lands, the authority must come from the Philippine Legislature.

Mr. MONDELL. If the gentleman will allow me, this is my thought: It seems to me it would be very much better to have a provision in the bill reserving the right on behalf of the President of the United States, just as we do on our public lands here, to reserve public lands in the Philippines for public purposes. I think that such a provision would be wise from two distinct standpoints. First, if there ever came a time when we would need public lands for governmental purposes, there would be no question but what we could obtain them; and, second, if there were such a provision, then the President would feel entirely free to restore land not now needed and not likely to be needed in the future, with the knowledge that if they remain public lands he could secure them later. Without any provision under which later he may secure these lands, there is a temptation to hold large acreages in reservation.

Mr. JONES. I understand the gentleman's position exactly, but it was not thought necessary when the organic law was passed—a law prepared, as I understand, by Mr. Secretary Root and Mr. Taft—that any provision of the sort indicated by the gentleman was necessary. The provision in this bill follows the language of the organic law.

Mr. MONDELL. My query grows somewhat out of the experience we have had at home. If lands are reserved for public purposes and their restoration might result in their passing into such control that they could not hereafter be secured again, the temptation is to retain them in even larger areas than necessary.

Mr. JONES. I understand.

Mr. MONDELL. With the idea that some time they may be used, and so out of an abundance of caution areas will be retained that really ought to be restored to general use.

Mr. JONES. I can only say to the gentleman that I believe the policy set forth in the organic law was a wise policy. I do not believe we will ever need for the United States any more land than has already been reserved. I am not, therefore, so much concerned about getting more land for the United States as I am over getting rid of some we now have but do not need.

Mr. MANN. Mr. Chairman, I regret that I can not agree to the amendment offered by the gentleman from Pennsylvania, which I think perhaps was a very natural one to offer—that if these lands are to be approved by the President they ought to be approved by Congress. The approval by Congress is practically impossible as a legislative proposition, but the President appoints the Governor General of the Philippine Islands. He has a veto power upon bills passed by the Philippine Legislature. I believe it is true the legislature can pass bills over his veto by a two-thirds vote. Now, we are not dealing with lands which belong to the United States in the sense that lands in the United States belong to us. The lands in the Philippine Islands, in our opinion, belong to the Filipinos, to any Philippine Government which is created, however it be created. I do not see any reason why the Philippine Legislature should not have the power by a two-thirds vote to pass any bill it chooses to upon the subject of lands or mines or timber. If we are going to give to the Philippine people a government at all, why not give them a government without too many apron strings tied to it. We never can ascertain what they will do about these things until they have the power and the responsibility; but my judgment is that always wherever a legislative body has an extra veto upon its power it takes that much less care of the work that it does. We feel confident in the House here frequently that mistakes which we make will be corrected by the Senate, or that mistakes which both the House and the Senate make will be corrected by the President. Now, it is proposed to add an additional veto in reference to the Philippine people. Let them have the power over their land, their timber, their mines. They are not ours. That is a matter purely of local government. The people to whom these things belong ought to have the legislative power. We do not give such power to the legislature of our Territories because we do not treat the land in a Territory as belonging to the Territory, but as belonging to the United States, and we do not treat these lands as belonging to the United States, although the United States may have to do with them. I shall offer an amendment to strike out the provision which requires the approval of the

President. The President appoints the Governor General. Let the Governor General exercise his veto power, and it is not possible by this bill to take away the power of Congress over the Philippine Islands by future legislation so long as they are under our flag.

Mr. HELM. Mr. Chairman, I move to strike out the last word. For my part I think that these provisions in this bill in regard to the land, timber, and mineral resources are very wholesome indeed. It has been more than 130 years since our Government was established, and we are not all wise yet. It is within the memory of almost every man present that in the last few years conditions in Alaska have not been unlike the conditions in the Philippine Islands. With all the wisdom at the command of Congress, we came well-nigh losing some of the most valuable and extensive resources in Alaska that this Government possesses. I regret extremely that in my own beloved State, that has one of the largest coal deposits of most any State in the Union, that all of that coal land at one time was owned by the State, and for a mere trifle of \$1.25 an acre passed from the control and ownership of the State, without any reservation whatever and without any mineral royalty reserved to the State. Why, if an infinitesimal royalty had been reserved, there would not be a cent of State tax in the State of Kentucky to-day. A small royalty per ton would have given us a magnificent public school system, vocational schools, maintained our State university, enabled the State to construct and maintain a splendid system of roads. And it is lamentable that somebody did not look far enough into the future to safeguard and provide for these advantages.

Now, the information that I have gleaned in regard to the Philippine Islands is to the effect that they have immense quantities of most valuable timber, minerals, and rich lands that have not yet been touched. Nobody knows the extent of them. And we hope this young government that is now starting out and getting upon its feet will prove a success; but in the light that has guided our pathway in the several States we can hardly hope that they will succeed beyond the measure of success that has attended the development of most of the States in this Union. And I believe that for the time being it is a very wholesome and a very wise course to retain this provision in the bill.

Mr. MILLER. Will the gentleman yield for a question?

Mr. HELM. With pleasure.

Mr. MILLER. If the provision requiring the approval of the President before it becomes a law were not in the bill, the President would still have the right to veto it after it was passed by the legislature?

Mr. HELM. Certainly.

Mr. MILLER. Does the gentleman think the situation created by this exception is very much better than the regular rule for the preservation of the resources?

Mr. HELM. But the gentleman has been here long enough to know that something has got to happen; somebody has got to turn something up; somebody has got to focus the attention of Congress or the President, or of those in authority, on a particular act that is being done—an unwise concession, grant, or privilege. Somebody has got to be on the ground and on guard. We all know how frequently these things happen.

Now, it is a little beside the question, but the only misgiving I have in connection with this proposition is that we are imposing great responsibilities on a people who are in their legislative swaddling clothes. We who have had some little experience around this Capitol know how hard it is, in the first place, to detect an insidious lobby, and, in the second place, we know how hard it is to expose it and to expel it after it has been exposed. Now, just how successful this Philippine Legislature is going to be along this line of resistance I do not know. The lobbyists and grafters are going to be as busy as bird dogs, because they are going to say, "This is an easy thing." "These Filipino people are not wise and they are not onto the job." The best thing to do is to leave this section of the bill just as it has been drawn.

Mr. MOORE. The gentleman speaks of lobbies. There is just a suggestion of that in paragraph 9. It did not come from me in offering this amendment, but it is suggested by this reservation about timber and mining land. I now ask the gentleman if, in putting this in the bill, the committee thought the Philippine Legislature ought to be protected against itself?

Mr. HELM. I expect the Congress of the United States ought to have been protected against the Guggenheims in Alaska. There are times when we need as much protection as the Philippine Legislature will.

Mr. MOORE. The gentleman would seem to answer yes to the question?

Mr. HELM. We are not absolutely invulnerable and above a little criticism and comment along certain lines ourselves.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MOORE. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Kentucky may have five minutes more. Is there objection?

There was no objection.

Mr. HELM. I have said all I care to say, but if the gentleman wants to ask a question—

Mr. JONES. Mr. Chairman, I am going to ask, in view of the fact that the gentleman from Illinois has indicated his purpose to offer another amendment to this section, that all debate on the pending amendment close in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate be closed in five minutes on this amendment. Is there objection?

There was no objection.

Mr. MOORE. Does the gentleman from Kentucky take the same view that I have heard others express on this floor, that the land in the Philippine Islands is the property of the Filipinos and subject to disposal by their legislature?

Mr. HELM. One of the purposes of this bill is to cede to the Philippine Government the public lands mentioned in the bill.

Mr. MOORE. It does not say so in terms in this section.

Mr. HELM. The word "cede" is not used, but I think a word of like import is used.

Mr. MOORE. It places any rights in the property which the United States may have acquired in these islands under the "control of the government of said islands, to be administered for the benefit of the inhabitants thereof." Does the gentleman interpret that as meaning that the United States in passing this law waives all right and title to these lands?

Mr. HELM. Speaking for myself, I have no doubt it was an attempted cession on the part of this Government of the land to the Philippine Government—the public lands. It is already owned by the Philippine people.

Mr. MOORE. That is to say, though we have made settlement with Spain and paid actual cash for whatever lands and rights we possess in the islands, by this bill we waive all right and title to the lands?

Mr. HELM. It is going to be very hard for this Government ever to right the wrong that, in my opinion, it committed when it waged war on the Filipinos.

Mr. JONES. Mr. Chairman, will the gentleman from Kentucky [Mr. HELM] permit me to say to the gentleman from Pennsylvania [Mr. MOORE] that this is just a repetition of the present law? The organic law, the law passed 12 years ago, framed by Secretary Root and Gov. Taft, did exactly what this bill does—it turned all these lands over to the Filipino people. This bill does not give them a foot of land that does not now belong to them.

Mr. MOORE. If the gentleman will permit me, so long as he has ventured this statement, I will say to him that I have heard one or two gentlemen take varying views of this question. One says we own this land in fee. Others say this property belongs to the Filipinos.

Mr. JONES. Who says we own it in fee?

Mr. MOORE. I think the gentleman from Minnesota said so.

Mr. JONES. I did not understand him to say that the people of the United States owned it.

Mr. MOORE. I understood some gentleman to say that. I recall that the gentleman from Minnesota [Mr. MILLER] said there was a right in fee to the United States in this land.

Mr. JONES. At this time?

Mr. MOORE. Yes.

Mr. JONES. I did not hear the gentleman from Minnesota say that.

Mr. MOORE. I have heard it stated on the other side in the discussion. I would like the gentleman himself to state whether it is his understanding, like that of the gentleman from Kentucky [Mr. HELM], that in passing this bill we waive whatever claim the United States has to title in these lands?

Mr. JONES. That is absolutely my understanding. We have already done it, and this simply reaffirms what we have already done, except as to such land as the President is given the authority to reserve for military and other purposes.

Mr. MILLER. I would like to ask a question of the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Very well.

Mr. MILLER. This bill continues in force and effect the present laws enacted by the Philippine Legislature and the

commission. The gentleman is aware of the fact that at present there are laws providing for the acquisition of homesteads on the public domain in the Philippine Islands and the acquisition of timber concessions on the public domain?

Mr. HELM. I should think that this bill enacted, following such law as the gentleman refers to, would be self-operating and would repeal them. I believe that the enactment of this bill, being inconsistent with the law the gentleman speaks of, would supersede the present laws.

Mr. MILLER. I do not assume that it will be inconsistent. There are laws providing for the acquisition of the public domain by homesteaders and timbermen. This does not enact a law. This bill says that if the Philippine Legislature should enact a law or repeal an old law it has first to have the sanction of the President.

Mr. HELM. I was referring particularly to that feature of the bill relating to timber and mining and lands.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired. All time has expired on this amendment.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word of the amendment.

Mr. JONES. All time has expired.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MOORE]. The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend by striking out all after the word "advisable," in line 22, page 7, down to and including the word "States," in line 1 of page 8.

Mr. Chairman, this provision is that the acts of the Philippine Legislature, in reference to lands, timber and mining, hereafter enacted shall not go into effect until they are approved by the President. Approved by the President when? It might be a year of 20 years after those acts were passed.

Now, the act fully safeguards in other respects the passage of any bill by the Philippine Legislature, because it gives to the Governor General the right of veto, and then if the Filipino Legislature in both houses passes the bill by a two-thirds vote over the Governor General's veto, it gives to the President an absolute veto. The Philippine Legislature can pass no bill on any subject which the President can not absolutely stop. He can direct the Governor General, who is his appointee, to veto the bill in the first instance. Then if the bill is passed over the Governor General's veto by the legislature, the President has the absolute veto, because it can not go into effect until it meets his approval—until he has approved it.

Now, that is safeguard enough. But here is a provision to the effect that no act of the Philippine Legislature relating to certain subjects shall go into effect until the President shall have approved it. There is no requirement as to the time when the President shall have approved it. No one can tell anything about it. If they pass any act relating to mines or forestry or timber or lands, the bill has to be transmitted. Although it has met with the approval of the Governor General, the President's appointee, the bill will have to be transmitted to the United States and approved by the President. He may have no objection to it. If he has any objection, he can easily stop it under the other provisions of the bill.

I think it is an unnecessary reflection upon the Philippine Legislature for us to assume at the outset that they do not know enough about their own lands and their own timber and their own minerals to legislate properly without first receiving the approval of the President of the United States, although he still has the power of veto.

Now, I am not in favor of giving an "Indian gift" to the Philippine Islands in the way of government. I am in favor of testing them, and either showing that they do not know how to manage a government—and I think they do—in which case all thought of self-government for the time being will have to be changed, or showing that they are equal to independence. What I want to do is to make them friends of ours. What would happen if Canada could not dispose of her lands or if Australia could not dispose of her lands? Where would the patriotic sentiments of those countries be if every time they enacted a land law or mining law or a timber law they had to send it over to be approved by the King of England? And yet we are talking about giving greater liberty to these islands in the end than Canada or Australia enjoys. No one would think for a moment that the Canadians would be loyal, as they are, or that the Australians would be loyal, as they are, to England, if they did not have the power themselves and the responsibility of disposing of those things which they own.

Mr. GARRETT of Tennessee. Mr. Chairman, the conditions touching Canada and Australia in their relations to England are



quite different from the conditions with respect to the relations between the Philippine Islands and the United States. England is an imperial Government—a monarchy. Canada and Australia were colonized by English-speaking people—people of the blood, spirit, and race of England. As I said the other day, the people of the Philippine Islands are not of our blood, not of our spirit, and not of our race.

I shall not vote for the amendment proposed by the gentleman from Illinois [Mr. MANN], notwithstanding my earnest desire at the earliest possible moment to give to those people absolute control over their governmental affairs; and not only that, but absolute independence and the withdrawal of all sovereignty on the part of the United States.

Favoring, as I do, liberal self-government in the Philippines, the reason I shall not vote for the amendment proposed by the gentleman from Illinois is that it has been the thought of the committee that in view of the fact that we are retaining sovereignty for the present there might be danger of certain land laws being passed by the Philippine Legislature, not in bad faith on its part, which might affect our foreign relations. It might easily be possible for the Legislature of the Philippine Islands in the best of faith to pass legislation which seemed to it wise, and yet which might, if it should be permitted to become law, involve our own country in international difficulties. That is the main idea upon which this proposition has been placed in the bill, requiring the affirmative action of the President before these laws shall become effective.

It has been suggested by the gentleman from Illinois [Mr. MANN] that the Governor General of the Philippines is the President's appointee. That is true. The gentleman from Illinois said the President could instruct the Governor General to veto a measure. Well, perhaps the President of the United States might know nothing of the measure. He is not advised as to every bill that is introduced in the Philippine Legislature. He is not advised, until after it has been approved, as to any act that passes the assembly and is approved by the Governor General. Then, again, it is not exactly correct to say that the Governor General in the service is always the appointee of the particular President serving. If I remember correctly, the Governor General appointed by President Taft held until August or September of last year. At all events he held office many months after the beginning of the present administration before President Wilson made the appointment of Gov. Harrison. There might be differences in ideas as to policy. The Governor General would not be compelled to veto the bill simply because the President thought it ought to be vetoed, even if it were possible and practicable for the President to make such a suggestion.

Mr. MANN. The President could remove the Governor General over night.

Mr. GARRETT of Tennessee. Oh, that may be, but this is dealing with property rights which have been ceded gratuitously by the Federal Government—

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I thank the gentleman. As I say, we are dealing with property rights, which have been ceded gratuitously by the Government of the United States for the benefit of the people of the Philippine Islands. It has been thought wise to move conservatively. I do not agree with the gentleman from Illinois that this provision in the bill so binds and controls the Filipino people as that there will be difficulty on their part in legislating for themselves, and that it will not give to them full and fair opportunity to legislate upon the matter of their public lands. It certainly does give them that opportunity. All that it does is to maintain a conservative policy, and makes assurance doubly sure that errors will not be made.

Mr. BRYAN. Mr. Chairman, so far as my judgment goes, I am very much opposed to the proposed amendment. We in this country have had a good deal of experience with the matter of land laws. There is quite a good deal of difference of opinion expressed here on the floor from time to time as to who is responsible for the mistakes or wrongdoings, or whatever it may be called, in connection with our land laws in the West, but we all agree that the policy has been wrong. Sometimes we blame one person, and then, again, we blame somebody else. Sometimes we use the word "fraud" in referring to the procedure, and sometimes we say "mistake." But as to its being erroneous and improper, we all agree. Now, in the Philippine

Islands the government is just about to begin its operations, and these lands are to be disposed of. I think for the present it is not too much to ask that these enactments as they pass the Philippine Legislature be sent here for the approval of the President. The President can then refer a bill to the proper Secretary, and the long experience of the United States Government in handling these matters will be brought to bear, and it can result only in benefit to the islands and in good to all concerned. Great fundamental statutes are to be passed establishing courses of procedure to be followed in the future, and every effort ought to be made to start right.

Mr. HELM. Is it not a fact that even at the present time our own efforts at conservation are rather crude and immature?

Mr. BRYAN. In some respects, perhaps so; but I would rather not mention the subject of conservation. Perhaps we would get a rise out of a number of people if we should do that. But then come our foreign relations, as suggested by the gentleman from Tennessee [Mr. GARRETT], and I believe they are delicate enough to demand great care. Evidently the gentleman from Pennsylvania [Mr. MOORE] was speaking earnestly when he said that large grants might be made, that islands might be ceded, or something of that kind. It is not sufficient to say that the President can order it canceled or vetoed, because bills are oftentimes passed in the very last hours of a legislative session. No warning is given. It would be necessary to cable all the details across the Pacific or else send the bill by mail, which takes 30 days. It would take a long time for the President to know what was in the bill, and it would be too late for him to cable to the Governor General to veto it. So I think the bill ought to come over here after it has been acted upon, and the President ought to sign it before it becomes a law. Later on we may repeal these provisions and give them a wider latitude in government, but for the present I believe in defeating the proposed amendment.

Mr. MANN. Does the gentleman think our own land laws ought to make us extremely proud that we know so much more about the subject than any other people do?

Mr. BRYAN. The way we managed them until Theodore Roosevelt took hold of it and changed the policy was a disgrace to this Nation. As soon as Theodore Roosevelt took the handling of the laws they were handled well.

Mr. MANN. The gentleman speaks from conversations he has had and what he has read. I was here in the Roosevelt administration and prior to that, and without reflection on either one of the administrations, I will say that I never could see any great difference in the handling of the land laws before or after. I never felt extremely proud about the way we do it, but if there is any one thing that we can set ourselves up as superior to the Filipinos in it is that.

Mr. BRYAN. Does not the gentleman from Illinois recall the time when the gentleman from Wyoming was at the head of the Committee on the Public Lands and he could do anything, and the other day, while we were considering the conservation bills, he could do nothing? [Laughter.]

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word of the amendment proposed by the gentleman from Illinois, although I intend to vote for it. I would like to ask the chairman of the committee, Mr. JONES, for whom I entertain a very high regard, when he expects these people to walk alone? The gentleman and I were here when the appropriation of \$20,000,000 was made. I do not know whether my friend voted for it or not; I know that the gentleman from Georgia, Judge BARTLETT, did not. I want to ask my friend when does he expect that the American Congress will be able to take its hand from the hand of these children and permit them to step alone?

Mr. JONES. In answer to the gentleman's question, I will say that they will be able to walk alone when we give them the opportunity to do so. I do not think they will ever be able to walk alone as long as we do not permit them to make the effort.

Mr. BUTLER. I do not see how the gentleman could answer me in any other way. Then why pass this bill; why not give them a chance? If you always lead the child along the street, he will always be dependent; he will never walk alone unless you take your hand away. Let them act for themselves. I am not going to speak directly to this section. Let us make no mistake; let the Filipino people understand that it is not the intention of the American people at this time to give them independence. I am ready to vote immediately for it when satisfied that these people are capable of self-government. I almost



regret—no; I will not vote for this measure, as the gentleman from Tennessee seems to anticipate me. The query in my mind is this, What is the best thing to do for them? I wish the hour for separation was at hand. I understood the gentleman from Kentucky [Mr. HELM] to say that it was wrong to make war on the Filipino people; that it was wrong for the American Government to have an armed dispute with the Filipinos. Did I understand the gentleman correctly?

Mr. HELM. Will the gentleman give me time to answer the question?

Mr. BUTLER. Yes; because I think the gentleman will do better with the five minutes than I.

Mr. HELM. The thing that has always staggered me in this matter was that the Filipinos helped the Americans to drive out the Spaniards, and as soon as we got the Spaniards driven out we then turned round and undertook to drive the Filipinos out. We must have promised or held out some inducement to the Filipino to get his assistance in getting rid of the Spaniards, and why should we, after getting rid of the Spaniards, turn round and make war on him? That is the thing I have never fully understood.

Mr. BUTLER. Let me refer the gentleman to the statement frequently made by Admiral Dewey, who was in command of the forces at Manila. If he will talk with the Admiral I think he will understand, as well as the rest of us, the occasion for the use of force.

Mr. McKELLAR. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McKELLAR. The gentleman, as I understood, said he was willing to vote for immediate independence as soon as he could be satisfied that they were entitled to it. When can the gentleman be satisfied that they are entitled to it?

Mr. BUTLER. Not while I live in this world. [Laughter and applause.] I am perfectly candid in this answer. I am not going to play any sort of trick on the Filipino or anybody else. I do not expect to see the day that I would be willing to vote to absolutely turn the Filipino loose to be swallowed up by some vulture nation. I believe in taking care of them. I conceive it to be our duty.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. What, Mr. Chairman, who kept my time? [Laughter.]

Mr. MONDELL. Mr. Chairman, the gentleman from Washington [Mr. BRYAN], in discussing this matter a moment ago, went far afield, and referred to my action on land legislation. I have had a good deal to do with land legislation since I came to Congress 18 years ago, and if there is any one thing I am thankful about it is that in all the scandal that there has been about land laws and land legislation no part of it has had anything to do with any law that I have proposed or promoted in this House. [Applause.] I call on the gentleman from Washington [Mr. BRYAN] to point to a law, great or small, important or unimportant, that I had any part in passing, or that I proposed to this House, that became a law, that has ever been essentially modified, or with regard to the operations of which there has been any considerable or general criticism by anybody anywhere.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BRYAN. I have understood that the gentleman's bill for leasing land in Alaska was denounced; that is, was very seriously criticized by the conservationists generally as entirely out of place, and was defeated.

Mr. MONDELL. Oh, yes, they did; and then the so-called conservationists proceeded to pass an Alaskan bill here the other day. I will leave it to any man on earth who knows about land legislation, who can have the two measures placed before him without knowing where either of them came from, and if he will not say that the bill that I proposed three years ago was better at a piece of legislation in the interest of development and of the public than that which we passed recently I will resign and go home. I am willing to do that. It protected the interests of the American people infinitely better than the bill that we passed the other day. It did not pass, because it was brought up under suspension of the rules, with 45 minutes debate and no opportunity to amend, and just at that particular time the Ballinger-Pinchot controversy was on, and you could not have passed the Lord's prayer through the House if it could in any way be connected with that controversy. It did not pass, because there were gentlemen who said that we ought to get 50 cents a ton royalty on the coal in Alaska, and we passed a bill the other day under which all Alaskan coal may be leased for 2 cents a ton. I ask everyone interested in the matter to read the provisions of the two bills.

Mr. Chairman, in addition to not having been connected with land legislation that has been seriously criticized, I have had the good fortune to have had a good deal to do with much land legislation that has been useful and helpful, and that is to-day a credit to the Congress of the United States, as, for instance, the reclamation law which I reported to this House, the enlarged homestead law, which was criticized until we passed it, the three-year homestead law, and other legislation that was criticized by certain people until it passed and became a law. It is true some of it was criticized in advance of its enactment, as all land legislation is. I had the honor of introducing the bill which put an end to the wicked and fraudulent lieu-land law transactions.

But, Mr. Chairman, I did not rise to discuss those matters. The gentleman made a reference that necessitated my bringing them in. I should not have offered the amendment that the gentleman from Illinois [Mr. MANN] has offered, but I shall support it. I was willing to accept the provision he seeks to strike out as being one of those things which we sometimes provide out of excess of caution. Of course there is this danger about it: Men who have had to do with land legislation understand that the nearer you are to the land, the nearer to the land and its conditions is the legislating body that acts upon it, the wiser in the main and in the long run will be the legislation that is passed. There is, of course, danger that legislation that is wise and proper may be held up owing to the influence of unwise or overcautious presidential advisors.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MILLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, after the word "States," in line 1, insert the following: "Provided, That the President shall approve or disapprove such an act within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law, the same as if it had been approved."

Mr. MILLER. Mr. Chairman, I sincerely trust that it will be the wisdom of the committee to accept this amendment. Very plainly, unless it or something like it is accepted, a serious situation will result.

Mr. JONES. Mr. Chairman, I will say to the gentleman that I would just as soon have three months as six months.

Mr. MILLER. I thought of three months at first, but the distance from the Philippines here might make it advisable that the President should have as long a period of time as six months.

Mr. McKELLAR. When does the time begin to run, from the enactment or from a submission to the President?

Mr. MILLER. From the submission to the President.

Mr. JONES. I suggest three months—

Mr. MILLER. I am willing to accept that as an amendment.

Mr. JONES. For the reason that he could cable if he disapproved it. We do not want to hold this up forever.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the word "six" and inserting the word "three."

Mr. JONES. Then do you have at the end, "Provided further"?

Mr. MILLER. That will come next.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to suggest to the gentleman from Minnesota, if he will pardon the suggestion, that I believe that his amendment needs redrafting. I believe it tautological, although I am not certain, but I know it needs "Provided further," and I venture to suggest to the gentleman from Minnesota that he let this section be passed with his amendment pending, and if he will redraft it I think that he can improve the language.

Mr. MILLER. I am perfectly willing to do so.

Mr. JONES. With the right to return to it, I heartily concur in that suggestion.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to pass this amendment without prejudice.

The CHAIRMAN (Mr. LEVY). The gentleman from Minnesota asks unanimous consent to pass this amendment without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, I offer the following amendment. After the word "as," in line 10, page 7, strike out the remainder of the line and all that which follows down to and



including the word "States," in line 12, and insert in lieu thereof the following: "has been acquired for military or naval purposes of the United States," so that it will read "except such land or property as has been acquired for military or naval purposes of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 10, after the word "as," strike out the words "shall be designated by the President of the United States for military and other reservations of the Government of the United States," and insert in lieu thereof the words "has been acquired for military or naval purposes of the United States."

Mr. MILLER. Mr. Chairman, just a few words in reference to the amendment. I am inclined to believe the amendment might be made a better one if in the place of "acquired" there were substituted the words, "set apart for," and that later on there should be included in this language a provision in reference to lands that may have been set aside and now used or to be used for civil purposes of the United States. Now, I wish it distinctly understood that it is not the intent of this amendment to encroach in any respect upon any of the public domain or timberlands belonging to the Filipino people and intrusted to their legislature, but there are certain reservations in the Philippine Islands that have been used for military purposes, certain naval stations on which large sums of money have been expended by the United States, and I do not think these ought to be turned over to the Philippine Legislature, but ought to be retained by the United States Government. I do not think it ought to be in the province of the President himself by an Executive order to turn them over to the Philippine Government. It seems to me that property of this kind belonging to the United States ought not to be separated from the United States except by the one power that is authorized to alienate the property of the United States, and that is the Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. MILLER. I will.

Mr. MANN. Under the language of the bill—may I ask, is this a copy from the existing law?

Mr. QUEZON. Yes.

Mr. MANN. Under the language of the bill as it stands it excepts only such land or other property as shall be designated by the President of the United States for military or other reservations. Grammatically, of course, that refers to the future and not to the past, though I take it the intention was to cover existing reservations. That, of course, ought to be corrected.

Mr. JONES. The idea of the gentleman is that it should be "has been" instead of "shall"?

Mr. MANN. "Has been or shall be." Under this provision would the President have the power at any time, if this law is passed, to set aside any portion of the public domain over there which has not been disposed of for military or other reservations? I take it he would have.

Mr. JONES. I think he would have.

Mr. MILLER. Mr. Chairman, unquestionably the President under this paragraph, unless it is changed, would have the power to alienate from the United States every foot of land and every item of property that we have in the Philippine Islands. That would include every reservation, every naval station, even Corregidor Island, which we have made a great fortress.

Mr. MANN. I think the gentleman is talking about another provision in this bill and not this one. There is another provision in the law which authorizes the President to turn over to the Philippine Government land now used as reservation, but it is not this provision.

Mr. MILLER. I understand that, but I had in mind coupling that provision with the one in this paragraph.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Minnesota just what the purpose of it is?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman is recognized.

Mr. GARRETT of Tennessee. I do not understand the purpose of the amendment.

Mr. MILLER. The purpose of the amendment is that the property which has been designated heretofore and is now used for military and naval purposes shall not be turned over to the Philippine Government under the control of the Philippine Legislature without an act of Congress.

Mr. GARRETT of Tennessee. That is in another section.

Mr. MANN. That is in the last proviso to this section, and not in this part of it.

Mr. GARRETT of Tennessee. That is, the amendment is not offered at the right place.

Mr. MILLER. Yes; I think it ought to be offered at both places. The proviso at the end enlarges on the language in the earlier part of the bill.

Mr. GARRETT of Tennessee. The language which the gentleman seeks to strike out is that language which authorizes the President now, which is the existing law, to designate public lands for military purposes. If the gentleman strikes that out, how would we get the lands that are necessary for military purposes, if it might be deemed necessary at some time?

Mr. MILLER. As I understand it, all the land we will ever want for military purposes we now have and hold as such, and the amendment which I propose is to prevent that being disposed of and alienated and handed over to the Philippine Legislature except by an act of Congress. The language of the paragraph as it stands is:

That all the property of the United States in the Philippine Islands is hereby turned over to the Philippine Islands and the legislature thereof excepting such as shall be designated by the President of the United States for military and other reservations.

Now, I propose that the President shall not have the power to say which of the military reservations that we have now we shall retain and which we shall hand over to the Philippine Islands. If some of the lands are not needed by us—and I know there are some—some that we do not need—they should be turned over by a congressional act rather than by an Executive order.

Mr. GARRETT of Tennessee. I could understand perfectly the gentleman's amendment if it went to the proviso part of the bill.

Mr. MILLER. I intend to offer it also to the proviso.

Mr. JONES. Mr. Chairman, I would like to have the attention of the gentleman from Illinois [Mr. MANN]. Before the gentleman offers his amendment I am going to ask unanimous consent to amend line 10 by striking out the words "shall be" and inserting in place thereof the words "has been or."

Mr. MANN. Why not make it "has been or shall be"?

Mr. JONES. That would cover it. After the word "as" insert the words "has been or." If that amendment is made, then the gentleman will not want to amend this provision?

Mr. MILLER. I will not. It will answer all the purposes I had in mind.

Mr. JONES. Then, Mr. Chairman, I move that on line 10, page 7, after the word "as," the words "has been or" be added.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 10, after the word "as," insert the words "has been or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

Mr. MILLER. Will the gentleman withhold that for a second?

Mr. GARRETT of Tennessee. Will the gentleman withhold that point until 5 o'clock?

Mr. MADDEN. Yes.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to withdraw the amendment I offered a few moments ago.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I move to amend by striking out the words "by order of the President," in line 5, page 8, and in lieu thereof substituting "by act of Congress."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Page 8, line 5, strike out the words "by order of the President" and insert in lieu thereof "by act of Congress."

Mr. MILLER. Mr. Chairman, I sincerely trust that the majority members of the committee will agree to this amendment. We have had a great deal of controversy back and forth respecting it, and my present recollection is that we were not very far apart, and very likely, upon reflection, the majority of the members will agree with me to make that change.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. GARRETT of Tennessee. The only lands that are contemplated to be reserved here are lands for military purposes?

Mr. MILLER. Practically all.

Mr. GARRETT of Tennessee. Does not the gentleman from Minnesota think that the Commander in Chief of the Army is better capacitated to select lands for military purposes than is

all this body of 435 men, very few of whom ever saw the Philippine Islands, and who, after all, would have nothing except the advice of Army or Navy officers to act upon?

Mr. MILLER. Of course the gentleman very well knows that the Commander in Chief of the American Army would not make the selection. The recommendation would be made in this way: The recommendation would come from the people in the islands, people representing the Government of the United States, and upon their recommendation the President would act.

Mr. GARRETT of Tennessee. The gentleman knows a recommendation would be made by Army or Navy military advisers?

Mr. MILLER. Yes; Army or Navy military advisers; and it is upon that information that Congress would act.

But, Mr. Chairman, it has never been a principle of law or a principle of our practice that the President of the United States should by Executive order be able to alienate property belonging to the United States.

Mr. SLAYDEN. Would he alienate it?

Mr. MILLER. We are giving him authority to do that, and I think it is contrary to good judgment. As I said a moment ago, if this remains in the bill, the present President would not do it. I have vastly too much confidence in him to expect that he would do that. But we do not know who is going to be President of the United States in the future. Some President might be there who, if so disposed, could by a stroke of his pen alienate every military reservation, every fortification, every military improvement, every naval improvement we have in the Philippine Islands. I do not think it is safe to put too much power in the hands of one man.

Mr. McKELLAR. Suppose the President ever did that, does the gentleman suppose it would be altogether bad?

Mr. MILLER. I suppose it would be the most fatal step that has ever been taken in half a century of American history. [Applause on the Republican side.]

Now, Mr. Chairman, as I stated before, the President of the United States could, by a stroke of his pen, give away Corregidor, Caballo, El Fraile, Carabao, and all the fortifications there. He could give away the Dewey Dock at Olongapo. He could give away the naval station there. We never would consent to the idea that he had that power respecting any similar places in the United States, and why should we turn that power over to him relative to our property in the Philippine Islands? I do not think all the wisdom in the world is centered in any one man. I think the wisdom of Congress, on the whole, in the long run, as gathered by Members of Congress throughout the United States, is better than the wisdom of any one man; and I think we could more safely repose the future history and course of the military establishment, such as we have in the Philippine Islands, in Congress rather than surrender it to the President.

Mr. GOULDEN. Will the gentleman yield?

Mr. MILLER. I yield to the gentleman from New York.

Mr. GOULDEN. Does the gentleman think the President would take so important a step as that without consultation with his Cabinet and, perhaps, with leaders in Congress?

Mr. MILLER. I do not think a wise man would.

Mr. GOULDEN. Have we had an unwise man in the presidential chair?

Mr. MILLER. We have had men in the President's office who might do just that sort of thing.

Mr. GOULDEN. I can not agree with the gentleman on that.

Mr. JONES. Mr. Chairman, as I stated in reply to the question of the gentleman from Wyoming [Mr. MONDELL] in regard to this proviso, it was inserted in the bill at the request of the War Department. I also stated then, and I wish to repeat now, that for a number of years the War Department has been seeking to secure this legislation. The Insular Affairs Committee has been requested by the War Department more than once to report out a bill authorizing the President to do just what is proposed shall be done in the proviso to this section of the bill.

The purpose of this legislation is simply to give the President of the United States the right to dispose of some small, undesirable pieces of land of little value and for which the United States Government has no use and is not occupying. Neither the President nor anyone else now has authority to dispose of this, as I have said, useless land, so far as the United States is concerned. The gentleman from Minnesota [Mr. MILLER] proposes, instead of giving this authority to the President, who, he says, should not be clothed with so much power, since he could, if he were so minded, dispose of all of our fortifications, naval stations, and other military reservations in the islands, but that it should be lodged in the hands of Congress. The trouble about that is that some of these pieces of land are not worth 5 pesos, and it would be necessary to get an act through

Congress to dispose of them if Mr. MILLER's amendment were adopted. We know little or nothing as to the location of these pieces of land, absolutely nothing as to their metes and bounds. It would be well-nigh impossible for Congress to enact the legislation necessary to dispose of this land, and I can not understand how there can be opposition to a proposition such as is embodied in this proviso, one that both the last Republican and the present Democratic administration have asked Congress to pass. I am sure that no one can seriously entertain for one moment the idea that any President of the United States would ever so misuse and abuse the authority here given to dispose of the island of Corregidor, along with its fortifications, which have cost the United States millions of dollars. Such an idea as that is too preposterous for serious consideration. I am perfectly willing to trust the President of the United States and the Secretary of War to dispose of the land contemplated in this section. It would be done through the Secretary of War. We gave to the President the power to reserve the land. Why should we not give to him the power to dispose of such parts of it as are not and never will be needed by the United States?

Mr. MILLER. Will the gentleman yield for a question?

Mr. JONES. I will.

Mr. MILLER. The gentleman well knows that if we should leave it to the heads of departments, they would like us to pass a general law that would enable them to do all the detailed work of their departments. But does not the gentleman think the purpose he has in mind, which is a very commendable one, namely, to restore these little odds and ends of land to the Filipino people, which we do not need and which, of course, we ought to restore, could be just as well accomplished by having the President send a message to Congress with a list of those lands, containing a little description of them and a statement as to what they are? We can pass it by unanimous consent.

Mr. JONES. The gentleman knows, as was stated by his and my colleague on the Committee on Insular Affairs, the gentleman from Iowa [Mr. TOWNER], the other day, that we have now on the calendar a bill with a unanimous report from our committee, a thousand times more important than the subject of his amendment, to which there is absolutely no objection, but for which it is impossible to get consideration. I refer to the Porto Rican bill. The gentleman knows as a practical legislator that it is almost impossible to secure congressional action upon minor matters, such as the one under discussion. If we wait for Congress to pass special legislation disposing of these small parcels of land they will never be disposed of.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota.

The amendment was rejected.

Mr. JONES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18459) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, and had come to no resolution thereon.

#### ALASKAN COAL BILL.

Mr. FERRIS. Mr. Speaker, I present a conference report on the bill H. R. 14233, the Alaskan coal bill, for printing in the RECORD under the rule.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1178).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter proposed by the Senate insert the following:



"That the Secretary of the Interior be, and hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River, Matanuska, and Nenana coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of public lands. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 for the purpose of making the surveys herein provided for, to continue available until expended: *Provided*, That any surveys heretofore made under the authority or by the approval of the Department of the Interior may be adopted and used for the purposes of this act.

"Sec. 2. That the President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field, and not to exceed one-half of the other coal lands in Alaska: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, or for relief from monopoly or oppressive conditions.

"Sec. 3. That the unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary shall offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and may award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof: *Provided*, That a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *And provided further*, That any person, association, or corporation qualified to become a lessee under this act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if in the judgment of the Secretary of the Interior the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim shall, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment.

"All claims of existing rights to any of such lands in which final proof has been submitted and which are now pending before the Commissioner of the General Land Office or the Secretary of the Interior for decision shall be adjudicated within one year from the passage of this act.

"Sec. 4. That a person, association, or corporation holding a lease of coal lands under this act may, with the approval of the Secretary of the Interior and through the same procedure and upon the same terms and conditions as in the case of an original lease under this act, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate 2,560 acres.

"That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall

not exceed 2,560 acres, through the same procedure and under the same competitive conditions as in case of an original lease.

"Sec. 5. That, subject to the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands.

"Sec. 6. That each lease shall be for such leasing block or tract of land as may be offered or applied for, not exceeding in area 2,560 acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under this act, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for one year, and not longer, after its acquisition.

"Sec. 7. That any person who shall purchase, acquire, or hold any interest in two or more such leases, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, or who shall knowingly sell or transfer to one disqualified to purchase, or except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$1,000: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer, and in case of minority or other disability such time as the court may decree.

"Sec. 8. That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein provided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding \$1,000.

"Sec. 8a. If any of the lands or deposits leased under the provisions of this act shall be subleased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or are in any wise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, entered into by the lessee, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of two thousand five hundred and sixty acres in the Territory of Alaska, the lease thereof shall be forfeited by appropriate court proceedings.

"Sec. 9. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental, payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases may be for periods of not more than 50 years each, subject to renewal, on such terms and conditions as may be authorized by law at the time of such renewal.

"Sec. 10. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres to any one person or association of persons, in any one coal field for a period of not exceeding 10 years, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to



the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein.

"Sec. 11. That any lease, entry, location, occupation, or use permitted under this act shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands by or under authority of the Government, and for other purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

"That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

"Sec. 12. That no lease issued under authority of this act shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property, and for the safety and welfare of the miners and for the prevention of undue waste, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner, and such other provisions as are needed for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

"Sec. 13. That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

"Sec. 14. That any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of the lease or of general regulations promulgated under this act: *Provided*, That the possession of any lessee of any lands covered by his lease and the operation of the mines and other works thereon or the title of the product thereof shall not be interfered with by the Secretary of the Interior except after an appropriate proceeding in the district court of Alaska instituted for the purpose of securing a forfeiture or termination of such lease, and such forfeiture or termination shall take effect only from the date of entry of final judgment declaring such forfeiture or termination: *Provided further*, That such court proceedings must be instituted within 90 days after notice to the lessee of the facts constituting such cause of action, or the same shall be forever barred.

"Sec. 15. That on and after the approval of this act no lands in Alaska containing deposits of coal withdrawn from entry or sale shall be disposed of or acquired in any manner except as provided in this act: *Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof: *Provided further*, That no lease shall be made, under the provisions hereof, of any land, a claim for which is pending in the Department of the Interior at the date of the passage of this act, until and unless such claim is finally disposed of by the department adversely to the claimant.

"Sec. 16. That all statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this act shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require.

"Sec. 17. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

"Sec. 18. That all acts and parts of acts in conflict herewith are hereby repealed."

And the Senate agree to the same.

SCOTT FERRIS,  
JAMES M. GRAHAM,  
IRVINE L. LENBOOT,

*Managers on the part of the House.*

H. L. MYERS,  
M. A. SMITH,

*Managers on the part of the Senate.*

#### STATEMENT.

The House bill H. R. 14233 as it passed the House on September 5, 1914, and went to the Senate was not considered for amendments in the Senate Public Lands Committee, but the committee instead reported to the Senate an entirely new bill, which was substituted for the House bill and which, with various amendments, was adopted in the Senate, passing that body on September 24, 1914.

Your conferees, from precedent, used the Senate substitute bill as a basis for work in conference and have brought the original House and Senate bills into harmony by certain modifications to the Senate substitute, within the limits of conferences, the provisions of which embody the essential features of the bills. These two bills, for the purpose of comparison with the bill as it emerged from conference and which is printed at length in the conference report, are herein set forth:

[H. R. 14233, Sixty-third Congress, second session.]

#### IN THE SENATE OF THE UNITED STATES.

September 5 (calendar day, September 9), 1914.

An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, and to lease such lands or the deposits of coal contained therein, as hereafter provided, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River, Matanuska, and Nenana coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of the public lands: *Provided further*, That the Secretary of the Interior may, as herein provided, with a view to facilitating development and without awaiting said surveys, make such awards of leases in the coal fields in Alaska as he may deem advisable and under such regulations as he may prescribe; the locations of such leases shall be distinctly marked upon the ground under his direction, so that their boundaries can be readily traced.

"Sec. 2. That the President of the United States shall designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field, and in addition the President may, in his discretion, designate and reserve from use, location, sale, lease, or other disposition not exceeding 5,120 acres of coal-bearing lands in each of the other coal fields in the Territory of Alaska: *Provided*, That the deposits in said reserved areas may be mined under the direction of the President when, in his opinion, the coal is required for Government works or in the construction and operation of Government railroads, or is required by the Navy, or is necessary for national protection or for relief from oppressive conditions brought about through a monopoly of coal.

"Sec. 3. That the unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall, in his discretion, from time to time, upon the request of any qualified applicant or on his own motion, offer such lands or deposits of coal for leasing, and award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be re-



quired and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take, under the foregoing provisions, not to exceed one lease upon and for each 200 miles of its line in actual operation. The term 'railroad' or 'common carrier' as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier: *Provided further*, That each applicant for lease under this act shall execute a good and sufficient bond, to be approved by the Secretary of the Interior, in such reasonable sum as may be fixed by him, to insure good faith in the fulfillment of the terms and conditions of the bid, the lease, and of this act: *And provided further*, That the Secretary of the Interior shall not, during any calendar year, lease to exceed 10 per cent of the total area of unreserved coal lands in Alaska.

"The possession of any lessee of the land or coal deposits leased under this act, for all purposes involving adverse claims to the leased property, shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

"SEC. 4. That a person, association, or corporation holding a lease of lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres.

"That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same competitive conditions as in case of an original lease.

"SEC. 5. That no person, association, or corporation, except as herein provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one lease under this act; and any interest held in violation of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction: *Provided*, That any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years after its acquisition and not longer.

"SEC. 6. That no person, association, or corporation holding a lease under the provisions of this act shall hold any interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal purchased from such lessee, or enter into any agreement, arrangement, or other device to enhance the price or to limit the output of coal, and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest held.

"That any person who shall purchase, acquire, or hold any interest in two or more such leases, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, or who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$1,000: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer, and in case of minority or other disability such time as the court may decree.

"That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who, on behalf of such corporation, shall knowingly participate in the purchase of any interest in another lease, or in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any other lease under this act, except as herein provided, shall be guilty of a felony, and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding \$1,000.

"SEC. 7. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when operations shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine unless otherwise provided by law at the time of the expiration of such periods.

"SEC. 8. That in order to provide for the supply of strictly local and domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified to obtain a lease under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts, not to exceed 10 acres in any one coal field, for a period of not exceeding 10 years on such conditions, not inconsistent with this act, as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That not more than one such limited license or permit shall be issued to any single applicant hereunder: *Provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition of such tract or operation of such mine under said limited license.

"SEC. 9. That any lease, permit, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit, for joint or several use, such easements, including roads, rights of way, sites for coal washeries, coke ovens, tunnels in, over, through, or upon the lands leased, occupied, or used, as may be necessary or appropriate to the working of the same or other coal lands and treatment and shipment of the products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease, under existing law or laws hereafter enacted, in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease.

"That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of such other public lands in the Territory of Alaska, as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

"SEC. 10. That no lease issued under authority of this act shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of waste as may be prescribed from time to time by the said Secretary shall be observed, including a restriction of not exceeding eight hours' actual labor in any one day for underground workers except in cases of emergency, provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice each month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

"SEC. 11. That any such lease may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of



this act, of the lease, or of general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

"Sec. 12. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

"Sec. 13. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

"Sec. 14. All moneys received under the provisions of this act shall be covered into the Treasury as miscellaneous receipts, in accordance with section 3 of the Alaska railway act, approved March 12, 1914.

"Sec. 15. That on and after the approval of this act no lands in Alaska containing deposits of coal shall be disposed of or acquired in any manner except as provided in this act: *Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof.

"Sec. 16. The Secretary of the Interior shall annually make report to Congress of all leases awarded under the provisions of this act in reasonable detail and also of all leases then outstanding and the amounts collected for the prior fiscal year on account of each lease.

"Passed the House of Representatives September 5, 1914.

"Attest:

"SOUTH TRIMBLE, Clerk."

[H. R. 14233, Sixty-third Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES.

September 28, 1914.

An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

"*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to survey the lands of the United States in the Territory of Alaska known to be valuable for their deposits of coal, preference to be given first in favor of surveying lands within those areas commonly known as the Bering River, Matanuska, and Nenana coal fields, and thereafter to such areas or coal fields as lie tributary to established settlements or existing or proposed rail or water transportation lines: *Provided*, That such surveys shall be executed in accordance with existing laws and rules and regulations governing the survey of public lands. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 for the purpose of making the surveys herein provided for, to continue available until expended: *Provided*, That any surveys heretofore made under the authority or by the approval of the Department of the Interior may be adopted and used for the purposes of this act.

"Sec. 2. That after the execution of the surveys provided for in this act the President of the United States shall designate and reserve from use, location, sale, lease, or disposition not exceeding 5,120 acres of coal-bearing land in the Bering River field and not exceeding 7,680 acres of coal-bearing land in the Matanuska field, and not to exceed one-half of the other coal lands in Alaska: *Provided*, That the coal deposits in such reserved areas may be mined under the direction of the President when, in his opinion, the mining of such coal in such reserved areas, under the direction of the President, becomes necessary, by reason of an insufficient supply of coal at a reasonable price for the requirements of Government works, construction and operation of Government railroads, for the Navy, for national protection, and for relief from monopoly or oppressive conditions.

"Sec. 3. That the unreserved coal lands and coal deposits shall be divided by the Secretary of the Interior into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as in the opinion of the Secretary will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter, subject to any prior valid existing rights, which said rights may be perfected under the laws in force at the time the same were initiated, and under the rules, regulations, and practices of the Land Department relative to the acquisition of such rights, as interpreted and applied by the department at the time of the initiation of such rights, the Secretary shall

offer such blocks or tracts and the coal, lignite, and associated minerals therein for leasing, and shall award leases thereof through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States or of any State or Territory thereof: *Provided*, That a majority of the stock of such corporation shall at all times be owned and held by citizens of the United States: *Provided*, That no more than one of said blocks shall be included in any lease: *And provided further*, That no railroad or common carrier shall be permitted to take or acquire through lease or permit under this act any coal or coal lands in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder: *And provided further*, That any person, association, or corporation qualified to become a lessee under this act and owning any pending claim under the public-land laws to any coal lands in Alaska may, within one year from the passage of this act, enter into an arrangement with the Secretary of the Interior by which such claim shall be fully relinquished to the United States; and if in the judgment of the Secretary of the Interior the circumstances connected with such claim justify so doing, the moneys paid by the claimant or claimants to the United States on account of such claim may, by direction of the Secretary of the Interior, be returned and paid over to such person, association, or corporation as a consideration for such relinquishment, or in lieu of such repayment the Secretary of the Interior may execute and deliver to said person, association, or corporation, in preference to any other lessee, a lease under this act of the land so claimed or any part thereof within the limitations of area and location fixed by this section, and the said moneys may be credited upon the royalties to become due under such lease: *Provided*, That if the land so claimed be within a reservation made in pursuance of section 2 of this act other coal lands in Alaska of substantially equal value may be substituted in said lease for the lands so relinquished.

"All claims of such existing rights to any of such lands in which final proof has been submitted and which are now pending before the Commissioner of the General Land Office or the Secretary of the Interior for decision shall be adjudicated within one year from the passage of this act.

"Sec. 4. That a person, association, or corporation holding a lease of coal lands under this act may, with the approval of the Secretary of the Interior and through the same procedure and upon the same terms and conditions as in the case of an original lease under this act, secure a further or new lease covering additional lands contiguous to those embraced in the original lease, but in no event shall the total area embraced in such original and new leases exceed in the aggregate 2,560 acres.

"Sec. 5. That, subject to the approval of the Secretary of the Interior, lessees holding under leases small blocks or areas may consolidate their said leases or holdings so as to include in a single holding not to exceed 2,560 acres of contiguous lands.

"Sec. 6. That each lease shall be for such block or tract of land as may be applied for, not exceeding in area 2,560 acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall be permitted to take or hold any interest as a stockholder or otherwise in more than one such lease under this act, and any interest held in violation of this proviso shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for one year, and not longer, after its acquisition.

"Sec. 7. That any person who shall purchase, acquire, or hold any interest in two or more such leases, and any person who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, acquire any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$1,000. For all the purposes of this act stock in a corporation owning or holding such a lease shall be deemed an interest in the same.

"Sec. 8. That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who shall, on behalf of such corporation, act in the purchase of any interest in another lease, or who shall knowingly act on behalf of such corporation in the sale or transfer of any such interest in any lease held by such corporation to any corporation or individual holding any interest in any such a lease, except as herein pro-



vided, shall be guilty of a felony and shall be subject to imprisonment for a term of not exceeding three years and a fine of not exceeding \$1,000.

"Sec. 8a. If any of the lands or deposits leased under the provisions of this act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, entered into by the lessee, or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of 2,560 acres in the Territory of Alaska, the lease thereof shall be forfeited by appropriate court proceedings.

"Sec. 9. That for the privilege of mining and extracting and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall not be less than 2 cents nor more than 5 cents per ton, due and payable at the end of each month succeeding that of the shipment of the coal from the mine, and an annual rental, payable at the beginning of each year, on the lands covered by such lease, at the rate of 25 cents per acre for the first year thereafter; 50 cents per acre for the second, third, fourth, and fifth years; and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases may be for periods of not more than 50 years each, subject to renewal, on such terms and conditions as may be authorized by law at the time of such renewal. All net profits from operation of Government mines, and all royalties and rentals under leases as herein provided, shall be deposited in the Treasury of the United States in a separate and distinct fund to be applied to the reimbursement of the Government of the United States on account of any expenditures made in the construction of railroads in Alaska, and the excess shall be deposited in the fund known as The Alaska Fund, established by the act of Congress of January 27, 1905, to be expended as provided in said last-mentioned act.

"Sec. 10. That in order to provide for the supply of strictly local and domestic needs for fuel the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section 3 of this act a limited license or permit granting the right to prospect for, mine, and dispose of coal belonging to the United States on specified tracts not to exceed 10 acres to any one person or association of persons in any one coal field for a period of not exceeding 10 years, on such conditions not inconsistent with this act as in his opinion will safeguard the public interest, without payment of royalty for the coal mined or for the land occupied: *Provided*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the acquisition, holding, or operating under the limited license in this section permitted. And the holding of such a license shall be no bar to the acquisition or holding of such a lease or interest therein.

"Sec. 11. That any lease, entry, location, occupation, or use permitted under this act shall reserve to the Government of the United States the right to grant or use such easements in, over, through, or upon the land leased, entered, located, occupied, or used as may be necessary or appropriate to the working of the same or other coal lands by or under authority of the Government and for other purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted in so far as said surface is not necessary for use by the lessee in extracting and removing the deposits of coal therein. If such reservation is made, it shall be so determined before the offering of such lease.

"That the said Secretary during the life of the lease is authorized to issue such permits for easements herein provided to be reserved and to permit the use of such other public lands in the Territory of Alaska as may be necessary for the construction and maintenance of coal washeries or other works incident to the mining or treatment of coal, which lands may be occupied and used jointly or severally by lessees or permittees, as may be determined by said Secretary.

"Sec. 12. That no lease issued under authority of this act shall be assigned except with the consent of the Secretary of the Interior. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property, and for the safety and welfare of the miners and for the prevention of undue waste, in-

cluding a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions securing the workers complete freedom of purchase, requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to secure fair and just weighing or measurement of the coal mined by each miner, and such other provisions as are needed for the protection of the interests of the United States.

"Sec. 13. That the possession of any lessee of the land or coal deposits leased under this act for all purposes involving adverse claims to the leased property shall be deemed the possession of the United States, and for such purposes the lessee shall occupy the same relation to the property leased as if operated directly by the United States.

"Sec. 14. That any such lease may be forfeited and canceled by appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of the lease or of general regulations promulgated under this act; and the lease may provide for the enforcement of other appropriate remedies for breach of specified conditions thereof.

"Sec. 15. That the jurisdiction of the district court of Alaska shall extend to and over any forfeiture or cancellation proceedings instituted under the provisions of section 9 of this act and to any and all controversies which may arise between the United States and any lessee or other person, association, or corporation growing out of any disputed controversies or proceedings arising under this act or under leases issued hereunder. All causes against the United States brought under the provisions of this act shall be tried in the same manner and under the same rules as controversies between citizens.

"Sec. 16. That all statements, representations, or reports required, unless otherwise specified, by the Secretary of the Interior under this act shall be upon oath and in such form and upon such blanks as the Secretary of the Interior may require, and any person making false oath, representation, or report shall be subject to punishment as for perjury.

"Sec. 17. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

"Sec. 18. That all acts and parts of acts in conflict herewith, also section 16 of an act passed and approved August 13, 1914, entitled 'An act extending the period of payment for reclamation projects, and other purposes,' which section reads as follows: 'Sec. 16. That from and after July 1, 1915, expenditures shall not be made for carrying out the purposes of the reclamation law except out of appropriations made annually by Congress therefor, and the Secretary of the Interior shall, for the fiscal year 1916, and annually thereafter, in the regular Book of Estimates, submit to Congress estimates of the amount of money necessary to be expended for carrying out any or all of the purposes authorized by the reclamation law, including the extension and completion of existing projects and units thereof and the construction of new projects. The annual appropriations made hereunder by Congress for such purposes shall be paid out of the reclamation fund provided for by the reclamation law,' are hereby repealed.

"Passed the House of Representatives September 5, 1914.

"Attest:

"SOUTH TRIMBLE, Clerk.

"Passed the Senate with an amendment September 24 (calendar day, September 26), 1914.

"Attest:

"JAMES M. BAKER, Secretary."

The Senate substitute bill was used as the basis from which the agreed bill emerged. The references hereafter made by page, section, and line will refer to the Senate substitute bill as it passed the Senate.

The amended bill as agreed to in conference provides for the appropriation of \$100,000 for the purpose of making the surveys necessary to intelligently proceed with the leasing. It was ascertained by your conferees that the current appropriation for surveys in the West was made prior to the passage of this bill and did not have in contemplation the necessary work and surveys that would be called for in this bill; hence the appropriation was retained. It was also brought to the attention of the conferees that the current appropriation for the surveying of public lands contained a limitation that it was to be used first on lands occupied by actual settlers. It is patent that the survey of coal lands in Alaska could not be brought within this limitation; hence the appropriation of \$100,000.

The Senate substitute bill contained a provision on page 13, lines 8 and 9 of section 2, that the President could not make the reservation of Government coal areas until after the lands



had been surveyed. This was thought to be inadvisable, due to the fact that the appropriate reserves for Government use should be made before any other steps were taken and that the surveys could later be made to conform to them.

It was also within the knowledge of your conferees that certain preliminary surveys had heretofore been made by the deputy United States mineral surveyors, which would make it feasible and advisable to make these surveys first. It was also within the knowledge of your conferees that a great deal of time will be required to finally complete the surveys, due to the topography of the country and climatic conditions there, which render surveying possible only during certain portions of the year.

In section 3, page 14, line 6, beginning with the word "subject," and ending with the word "rights" in line 11, it was thought advisable to eliminate that language, the thought of your conferees being that that would render the future Alaskan coal lessees subject to suits and collateral attacks by the claimants even after their rights had been adjudicated. It was the further thought of your conferees that such a provision would serve as a stumblingblock and a hindrance to the terms, tenor, and purposes of the legislation.

In section 3, page 14, line 13, the word "shall" was changed to "may," so that instead of making it mandatory on the Secretary to award leases to those who should not have them, it was left to his discretion, in order that the public interest might be subserved and no ill-advised leases made.

In section 3, page 14, lines 22 and 23, the proviso beginning with the word "Provided" in line 22 and ending with the word "lease" in line 23 was stricken out as being in conflict with section 5 of the Senate substituted bill.

Later, in section 3, page 15, line 17, beginning with the word "or," the balance of that section was stricken out. The language stricken out, in the estimation of your conferees, had for its purpose, first, the granting to the Alaskan coal claimants a preference right to lease the lands they had sought to acquire title to, and, second, authorized them to make lieu selections for lands they failed to secure through their efforts to acquire patents. It was steadfastly the opinion of your conferees that this being a coal-leasing bill, it should not seek to adjudicate the rights of the Alaskan coal claimants that are now pending in the department.

The language found on page 16, lines 3 to 7, inclusive, requires by legislative direction that the Commissioner of the General Land Office shall adjudicate the claims that are now pending before the department within one year from and after the passage of this act. This was thought to be advisable for the reason that many of these claims have been pending for eight years or more, and it was the belief of your conferees that a final termination of them should be made and that one year would be ample time within which to accomplish it.

Page 16, section 5, line 18, after the word "Interior," your conferees inserted the language "under such rules and regulations as he may prescribe." This was thought necessary to make the section workable.

Page 17, section 7 of the Senate substitute was stricken out and the second paragraph of section 6 of the House bill was inserted in its stead.

On page 18, section 9, line 23, your conferees struck out the following words: "nor more than 5 cents." This, in effect, struck out the maximum price per ton royalty that the Secretary of the Interior could secure for the mining and removal of the coal under the Alaskan leases. This was thought to be advisable for many reasons, the chief one of which was that Congress had recently appropriated \$35,000,000 to construct railroads in Alaska and that section 3 of that act provided that the proceeds from the sale of all public lands, minerals, timber, etc., in Alaska should go into the Treasury to reimburse the Federal Government for that expenditure. It was therefore thought advisable and eminently proper to strike out the maximum, so that the Secretary of the Interior would have an opportunity, acting for the Government, to secure a royalty on the coal so leased commensurate with justice and in an effort to reimburse the Federal Government for the Alaskan railway appropriations recently made.

Page 19, line 10, beginning with the word "all," strike out the remainder of that paragraph. This was deemed advisable by your conferees, so that there might be no change in section 3 of the Alaskan railway act, which provides that all the proceeds from Alaska shall go into the Treasury to reimburse the Government for the Alaskan railway expenditure.

Page 21, section 12, at the end of line 25, the section was amplified to make it in keeping with the bill as it passed the House.

Page 22, section 15, lines 14 to 24, inclusive, was stricken out of the bill, and in lieu thereof section 15 of the House bill, with amendments, was incorporated in its stead. The thought of your conferees on this substitution was that the paragraph as passed by the Senate made it possible for the Alaskan coal claimants to take their matters out of the Interior Department, where they have always reposed, and have a new trial ab initio in the district courts of Alaska. It was again thought advisable to strike out this section, because it clearly authorized the claimants to sue the Federal Government, which was thought inadvisable from every viewpoint and without precedent. The result of this substitution is that the Alaskan coal claimants are neither aided nor retarded in their efforts to acquire patent for the land covered by their claims. It was the thought of your conferees that the land should not be leased from under them until they could have a final hearing, but that this legislation ought not to make any provision which would either help or harm them, but, on the contrary, they should be left in statu quo to pursue their remedies in the same department that had jurisdiction over the matter at the time the claims were initiated. Your conferees think this is the only proper rule to lay down for these cases, and if they have any claims against the Federal Government they should be worked out through the Interior Department rather than through Congress.

Page 23, section 18, was stricken from the bill. It sought to repeal a section of the law relating to irrigation, and it was the thought of your conferees that it had no proper place in this legislation and was therefore eliminated.

It is the thought of your conferees, first, that the bill as it emerged from conference retains the substantial features of the House bill; second, that it is workable and that the Secretary of the Interior can proceed to lease the lands that have heretofore been tied up for eight long years; third, that the competitive plan adopted will enable the Secretary to derive revenues that may be applied upon the Alaskan railway appropriation; fourth, that the bill does not forfeit or sacrifice any rights of the Federal Government to the Alaskan coal claimants; fifth, that it does not do the Alaskan coal claimants wrong or injustice; sixth, that the Alaskan coal claimants are left in statu quo; seventh, that ample reserves are authorized to be made by the Secretary of the Interior for a fuel supply for the Army and Navy; eighth, that the appropriation carried by the bill is necessary and justified in the face of the emergency that exists in Alaska; and, ninth, that the legislation has left full discretion within the Secretary of the Interior to protect the public interest and at the same time make the opening of Alaska possible and the legislation workable.

SCOTT FERRIS,  
JAMES M. GRAHAM,  
IRVINE L. LENROOT,

*Managers on the part of the House.*

#### FOLDING SPEECHES.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 633 (H. Rept. 1180).

*Resolved*, That the Doorkeeper is authorized to employ additional labor for folding speeches, at the rate of not exceeding \$1 per thousand, and the sum of \$1,000 is authorized to be expended from the contingent fund for that purpose.

With the following amendment recommended by the committee:

In line 3 strike out the figures "\$1,000" and insert "\$1,500."

Mr. LLOYD. Mr. Speaker, we have at the present time to be folded about 1,700,000 speeches for Members of the House. We have on hand about \$700 to do that work. It is probable that there will be 500,000 more speeches ordered before the end of the session. If this resolution passes, it will simply provide for folding the speeches now ordered and those that will be ordered.

Mr. BUTLER. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. BUTLER. I am not an economist, but why do not the Members pay for folding their own speeches?

Mr. LLOYD. It has never been the practice.

Mr. BUTLER. It seems that we are going to spend a lot of money sending out speeches of Members.

Mr. FITZGERALD. Not nearly as much as was expended for sending out bad speeches by the Republican Members.

Mr. BUTLER. You never spent any for sending out any of mine.

Mr. FITZGERALD. The gentleman never sent out any bad speeches.

Mr. MANN. None of the Republicans ever sent out any bad speeches.



The SPEAKER. The question is on the amendment to the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

#### CLERICAL SERVICES FOR COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 608 (H. Rept. 1179).

*Resolved*, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, to E. L. Smith, \$60; Edward C. Hauer, \$42; Helen Parker, \$24; and Lizzie Bassett, \$6, for clerical services rendered to the Committee on Enrolled Bills during the second session of the Sixty-third Congress.

Mr. MANN. When were these services rendered?

Mr. LLOYD. At different times during the session.

Mr. MANN. By what authority?

Mr. LLOYD. No specific authority.

Mr. MANN. The law forbids the employment of anybody without authority. They have violated the law, and instead of paying them why not prosecute them?

Mr. LLOYD. Oh, they have in good faith performed the services.

Mr. MANN. The Committee on Enrolled Bills is not authorized to employ this service, and, as a matter of fact, it does not perform the service.

Mr. LLOYD. The chairman of the committee, rather than come to the House and ask for assistance, has simply ordered these small sums to be paid from time to time when extra services are needed.

Mr. FITZGERALD. If the gentleman will permit me, this is an unauthorized employment. I shall not oppose the resolution, but if anybody else attempts to employ services around the House without authority of the House in advance, no such resolution as this will go through. If every chairman of a committee assumed the right to employ what he decided was necessary for his committee and afterwards came in with a resolution to pay it, it would break the House.

Mr. MANN. When was this resolution introduced?

Mr. LLOYD. It was introduced on the 27th of August last.

Mr. MANN. I thought I had seen the resolution some time ago. The Committee on Enrolled Bills at that time was not pressed. They employed some one, without any authority of law and in violation of the express law, and then they come in here and want the House to pay it. I want to say that the work in comparing engrossed or enrolled bills is not done by the Committee on Enrolled Bills. That is done by the engrossing clerks of the House, and notwithstanding the Committee on Enrolled Bills, there have been many errors after it has left the hands of the engrossing clerks.

Mr. LLOYD. Mr. Speaker, the chairman of the Committee on Enrolled Bills says that this work has been performed by these people.

Mr. MANN. I have a high regard for the chairman of the Committee on Enrolled Bills, Mr. ASHBROOK. I do not know whether he was here at that particular time or whether it was when he was detained from the House. I do not suppose he knows. Some clerk of the committee manages it.

Mr. LLOYD. I think that is unfair to the gentleman from Ohio [Mr. ASHBROOK].

Mr. MANN. I would not say a thing that is unfair, because the gentleman from Ohio is very attentive to the work of his committee.

Mr. LLOYD. I am very glad the gentleman has made that statement, because I have found that to be true.

Mr. GARNER. Mr. Chairman, would it not be advisable at this time, since this criticism has come up, for the chairman of the Committee on Accounts to advise the chairman of the Committee on Enrolled Bills that services of this character hereafter will not be paid?

Mr. LLOYD. The chairman will most assuredly do that.

Mr. FITZGERALD. Mr. Speaker, so that there will be no misunderstanding, I will give notice now that no such resolution as this will pass in the future.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. LLOYD) there were—ayes 25, noes 19.

So the resolution was agreed to.

#### ALASKAN COAL LANDS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to address the House for two minutes on a matter that I think the House ought to know about.

Mr. MANN. If the House wants to hear about it I think there ought to be a larger attendance.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, I never have in my service either here or in my State made any reply to any newspaper article, and the article that I shall reply to now is not in any sense in criticism of myself; but I think, in fairness to one of the conferees on the Alaska coal-leasing bill, I should make a short statement. There appears in this evening's edition of the Washington Times a statement purporting to come from the gentleman from Wisconsin [Mr. LENROOT]. I do not know whether it did or not. Perhaps it did; but, if so, it undoubtedly was made before the conference report on the Alaskan coal bill was agreed to. As the House knows, the gentleman from Wisconsin [Mr. LENROOT] was one of the conferees, and in the conference we had the differences that usually arise in conference committees; but those differences were finally adjusted, and we agreed to the conference report, and that conference report is thoroughly satisfactory to the gentleman from Wisconsin [Mr. LENROOT], to myself, and to the gentleman from Illinois [Mr. GRAHAM]. I think in justice to the House and in justice to Mr. LENROOT I should say that I am sure the interview must have been granted some three or four days ago, when the conferees were not as well agreed as they are now. He agreed to every item in it before he left here, as did the gentleman from Illinois [Mr. GRAHAM]. If he had not left the city, I would not have taken this one minute to make this explanation.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. I may supplement the statement of the gentleman in view of the absence of my colleague who has been called home by the serious illness of his daughter. Yesterday afternoon just prior to his departure I inquired of him whether the conference report was to his satisfaction and he said it was completely so, that it had his entire approval.

Mr. FERRIS. I thank the gentleman. My statement is made neither for the purpose of criticizing the newspaper or Mr. LENROOT. I have no doubt that the interview was given two or three days ago when we were having quite a squabble over the bill. The matter is all right now. The bill is in good shape. I am sure Mr. LENROOT would indorse every word I have said. No doubt the paper was ignorant of the agreement, so they may well be said to be without criticism.

I thank the House for the courtesy of the few moments occupied.

#### COTTON.

Mr. VAUGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting therein an editorial appearing in the Washington Post of to-day on the cotton situation.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record by printing an editorial from the Washington Post on the cotton situation. Is there objection?

Mr. MANN. Mr. Speaker, I object.

#### ADJOURNMENT.

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Wednesday, October 7, 1914, at 11 o'clock a. m.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 19140) to authorize and direct the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. GLASS: Resolution (H. Res. 636) for the consideration of S. 6505, entitled "An act to amend sections 11 and 16 of an act to provide for the establishment of Federal reserve banks, etc.," to the Committee on Rules.

By Mr. STEENERS: Resolution (H. Res. 637) directing the Postmaster General to inform the House of Representatives whether he has given any order or direction giving preference in the purchase of supplies for the Post Office Department to any domestic commodity over an imported commodity at a higher price; to the Committee on the Post Office and Post Roads.

Also, resolution (H. Res. 638) requesting the President of the United States to furnish the House of Representatives with copies of all orders or directions to the heads of executive departments of the Government giving or permitting a preference in the purchase of supplies for the Government to any domestic commodity over an imported commodity at a higher price; to the Committee on Appropriations.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19141) to remove the charge of desertion from the military record of Joseph Hamilton; to the Committee on Military Affairs.

By Mr. BAILEY: A bill (H. R. 19142) for the relief of the widow of Morton Moody; to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 19143) granting an increase of pension to Nathaniel Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19144) granting an increase of pension to Artemus Haines; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 19145) granting an increase of pension to Londoree F. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19146) granting an increase of pension to Clement Zumbriger; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 19147) granting an increase of pension to William Householder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19148) granting an increase of pension to William K. Runkel; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 19149) granting an increase of pension to George Parks; to the Committee on Invalid Pensions.

By Mr. LEWIS of Pennsylvania: A bill (H. R. 19150) granting an increase of pension to Wilson Labold; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 19151) granting a pension to Benjamin Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19152) granting a pension to Charles Trowbridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19153) granting a pension to William Caniff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19154) granting a pension to Harrison Rouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19155) granting a pension to Rowland Trumbour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19156) granting a pension to Edward Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19157) granting a pension to Joseph L. Hadden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19158) granting a pension to James B. Rouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19159) granting a pension to Isaac Van Leuven; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 19160) granting a pension to Charles S. Devlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19161) granting an increase of pension to Eliza Hutchinson; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 19162) granting an increase of pension to Gustave Pinksohn; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 19163) granting a pension to Elmira Dord Galloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19164) granting an increase of pension to Christian Hendricks; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 19165) granting a pension to Aaron Quickle; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 19166) granting a pension to Bridget Mooney; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 19167) for the relief of Adolph W. Fries; to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 19168) granting a pension to Anna Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19169) granting a pension to Willsie Lippincott; to the Committee on Pensions.

Also, a bill (H. R. 19170) granting a pension to Albert J. Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19171) granting an increase of pension to William W. Sparks; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of the Western Pennsylvania Independent Telephone Co., protesting against provision of House bill 18891 relative to telephone companies; to the Committee on Ways and Means.

By Mr. BURNETT: Petition of various farmers and business men of Alabama, for legislation to relieve the cotton situation; to the Committee on Banking and Currency.

By Mr. CARY: Petition of L. A. Olwell, of Milwaukee, Wis., against movement to prohibit the Government from selling stamped envelopes with the user's return address; to the Committee on the Post Office and Post Roads.

Also, petition of H. B. Dewey, of Milwaukee, Wis., protesting against increase in passenger or freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Milwaukee Automobile Dealers' Association and Gesder, Paeschke & Frey, of Milwaukee, Wis., protesting against special tax against automobile manufacturers; to the Committee on Ways and Means.

Also, petition of the International Association of Machinists, of Milwaukee, Wis., favoring passage of House bill 17800, prohibiting use of stop watch for Government employees; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of the Socialist Party, Passaic, N. J., favoring observance of strict neutrality by United States Government during European war; to the Committee on Foreign Affairs.

By Mr. GERRY: Petition of Alexander C. Thompson, William E. Louttit, N. Berston Co., and William M. Harris, jr., protesting against raising price of return envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of Providence Council of United Commercial Travelers of America, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GRIFFIN: Petition of Sidney B. Whitlock, and Peek Bros. & Winch, of New York, protesting against bill to prohibit purchase of return envelopes from the Government; to the Committee on the Post Office and Post Roads.

Also, memorial of the New York Produce Exchange, protesting against the United States operating merchant ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the First National Bank of Brooklyn and Kings County, N. Y., protesting against section of Clayton bill regarding interlocking directorates; to the Committee on the Judiciary.

Also, petition of the Pelton Water Wheel Co., favoring hearing on Adamson bill to regulate the use of Government lands, etc.; to the Committee on the Public Lands.

Also, petition of the Railway Business Association, relative to House bill 17042, referring to mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Vicksburg Veterans, favoring appropriation by Congress for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. HOWELL: Memorial of the Utah Federation of Labor, protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Utah Federation of Labor, favoring proposed amendment to Senate bill 825 and House bill 6539, relative to increasing wages of compositors, etc.; to the Committee on Printing.

By Mr. LEVY: Petition of M. L. Stuart and S. Berkonitz, favoring passage of Senate bill 3590, relative to paymaster clerks in the Navy; to the Committee on Naval Affairs.

Also, petition of the International Typographical Union, favoring passage of House bill 15902, to amend law relating to public printing; to the Committee on Printing.

Also, petition of the New York Produce Exchange, protesting against the United States operating merchant ships; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Drake Mann Realty Co. and L. Henry & Co., of New York, protesting against bill prohibiting sale of return envelopes; to the Committee on the Post Office and Post Roads.

Also, petition of the United Master Butchers of America, relative to Congress subsidizing land for farming, etc.; to the Committee on the Public Lands.

By Mr. LIEB: Petition of the Tennyson National Bank, J. W. Hendrickson, cashier, and the Lynnville National Bank, Herbert L. Bass, cashier, both in Indiana, against taxing banks \$2



per thousand upon capital, surplus, and undivided profits; to the Committee on Ways and Means.

Also, petition of the Standard Brick Manufacturing Co., John Andres, secretary, protesting against legislation to prevent purchasing stamped envelopes with members of firms and their addresses printed thereon; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Leich & Co., of Evansville, Ind., and the National Wholesale Druggists' Association, in session at Indianapolis, Ind., favoring the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of Local No. 51, Iron Molders' Union, Charles C. Ray, secretary, of Evansville, Ind., favoring a bill prohibiting the use of the stop watch in making time study of the movements of any Government employee; to the Committee on Labor.

By Mr. McCLELLAN: Petition of A. D. Rose, of Kingston, N. Y., against legislation prohibiting purchase at post office of stamped address envelopes; to the Committee on the Post Office and Post Roads.

By Mr. MAPES: Protest of the Grand Rapids Overland Co., of Grand Rapids; the Studebaker Corporation of America, of Detroit; and 33 other automobile manufacturing companies of the State of Michigan, against the proposed special tax upon automobiles; to the Committee on Ways and Means.

Also, protest of the Citizens' Telephone Co. of Grand Rapids, Mich., against the imposition of a special tax of 1 cent on telephone messages; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of the National Liberal Immigration League, relative to House bill 18220, as to citizens of other countries living in the United States taking part in European war; to the Committee on Immigration and Naturalization.

Also, petition of the N. Barstow Co., of Providence, R. I., protesting against the bill to prohibit sale of return envelopes; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of 18 citizens of Calaveras County, Cal., favoring national prohibition; to the Committee on Rules.

Also, memorial of the United States Licensed Shipmasters, Marine Engineers, and Mates of Ocean Steamers of the Port of San Francisco, protesting against suspension of the navigation laws of the United States; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Piedmont Parlor, Native Daughters of the Golden West, favoring the passage of the Hamill bill, relative to retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. REILLY of Connecticut: Petition of the English & Messick Co. and C. Codles & Co., of New Haven, Conn., and the Locomobile Co., of Bridgeport, Conn., protesting against tax on automobile manufacturers; to the Committee on Ways and Means.

By Mr. SLOAN: Petition of William Peters, of Thayer, Nebr., against national prohibition; to the Committee on Rules.

## SENATE.

WEDNESDAY, October 7, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy care for all Thy creatures is manifest unto us in all the works of Thy hands. The voice of nature about us proclaims God's grace and love for all that He has made. We are sure in the light of all we have learned that not a sparrow falls without Thy notice. Thou hast kept us in the hollow of Thy hand. Thou hast shielded us from every enemy. Thou hast guided us in the paths of peace and of prosperity and of happiness. Thou art opening Thy hands and supplying our every need. We make humble acknowledgment for Thy goodness to us. We pray that this day we may give expression to our sense of gratitude by lives consecrated to Thy service. Bless every Member of the Senate and all who are in authority, that Thy will may be done with us as a nation, and that Thou mayest use us even now as an evangel of peace among the nations of the earth. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, September 28, 1914, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### COTTON INDUSTRY OF NORTH CAROLINA.

Mr. OVERMAN. Mr. President, in a colloquy on the floor of the Senate a few days ago the senior Senator from Michigan [Mr. SMITH] read a letter containing an expression to the ef-

fect that the cotton industry of North Carolina was prostrated. I demanded the name of the writer. The Senator said it was a personal letter and declined to give me the name, but he asked me if I knew Gen. Julian S. Carr. I replied that I did. He said that I had a similar letter from Gen. Carr, and probably I could find it in my files. The Senator also asked me if I knew Hon. J. A. Long, one of the prominent citizens of my State, and said if I would examine my files I would find a letter from him. I replied that I had no recollection of having received a letter from anyone on that subject. He asked me if I would look at my files and see if I had not received a letter from Julian S. Carr and also from J. A. Long, the substance of which was that the cotton industry of North Carolina was prostrated in July.

I am sorry that the Senator from Michigan is not now here, but I wish to say that I have examined the files of my office and I have found no such letter. Then I telegraphed to each of these prominent citizens of North Carolina. I telegraphed to Gen. Carr as follows:

OCTOBER 5, 1914.

To Gen. J. S. Carr,  
Durham, N. C.:

It has been charged upon the floor of the Senate that you wrote me a letter charging that the revision of the tariff prostrated the cotton industry in North Carolina. Did you ever write me such a letter?

I also sent a similar telegram to Hon. J. A. Long. The reply of Gen. Julian S. Carr is as follows:

DURHAM, N. C., October 5, 1914.

Hon. LEE S. OVERMAN,  
United States Senate, Washington, D. C.:

No, my dear Senator; I did not.

JULIAN S. CARR.

I also have received another telegram from Gen. Carr, as follows:

DURHAM, N. C., October 5, 1914.

Senator LEE S. OVERMAN,  
Washington, D. C.:

I am the one cotton manufacturer in the South that gave out an interview indorsing the administration and the Democratic Party for keeping the party pledge to reduce the tariff downward and highly praised the administration for living up to the party's platform pledges to reduce the tariff, and the interview was largely copied by the press and commended.

JULIAN S. CARR.

I received the following telegram in reply from Hon. J. A. Long:

ROXBORO, N. C.

Senator LEE S. OVERMAN,  
Washington, D. C.:

Replying to your inquiry whether or not I wrote you in regard to depression in cotton-mill business caused by revision of tariff, I wish to say I did not.

J. A. LONG.

Now, I wish to read an editorial from the Greensboro Daily News, one of the leading papers of North Carolina. It is an independent paper. I will read only one extract, but will ask that the whole editorial may go in:

The truth is the cotton mills of the South are in the finest shape that they have known in several years, the impression of Senator SMITH [of Michigan] to the contrary notwithstanding. Many of them have come to the conclusion that cotton has about reached the bottom and are beginning to purchase, and their number is increasing daily. The statement as to the Parker mills is true, but even their action is but a forecast of the revival of industry that can not be postponed many days longer.

The editorial referred to is as follows:

[From the Greensboro Daily News, Monday, October 5, 1914.]

FORTUNATELY, IT IS TRUE.

A friend of the Daily News, inclosing a clipping concerning the Parker chain of cotton mills in South Carolina preparing to run day and night to fill orders on hand, remarks, "It sounds good, if it is true." The comment is eloquent of how deeply the war scare has penetrated the minds of the business men of the South. The news is true, what there is of it; but as a matter of fact it tells only half the story. The cotton-mill men are not in business for their health. It is to their interest to buy cotton at the lowest possible price. We do not think that there has been any organized effort to bear the market by the cotton spinners, but it can be asserted with perfect safety that the spinners were not the most enthusiastic of those who have been trying to lift the market back to normal. They would be more or less than human had they taken the lead.

The truth is the cotton mills of the South are in the finest shape that they have known in several years, the impression of Senator SMITH to the contrary notwithstanding. Many of them have come to the conclusion that cotton has about reached the bottom and are beginning to purchase, and their number is increasing daily. The statement as to the Parker mills is true, but even their action is but a forecast of the revival of industry that can not be postponed many days longer.

Mr. OVERMAN. I have a letter from the leading cotton section of North Carolina, written by Mr. Sherrill, who is the editor of the Concord Daily Tribune, inclosing me a copy of an editorial from that paper, which I will also ask to have printed